time and again—it has been repeated over and over to-day—about the delays that would occur on the Nicaragua route by reason of a vessel having to stop in the nighttime. These engineers show that there is no difficulty whatever in using the canal at any hour of the day and night, and they particularly call attention to the fact that there are no fogs in that climate to obscure the light which might be given by electricity along the line of the canal the darkest night. The atmosphere is free from fogs.

Mr. President, I do not want to run this argument into the night. I merely wish to ask Senators to consider this project as having been advocated by the people, advocated by both political parties, passed upon by both Houses of Congress, and passed upon by one of them almost unanimously during the present session, passed upon by all of our States almost—all in favor of this particular Nicaragua route. Now, because we have a flash light from a decayed and fraudulent company, an offer to purchase the old canal at Panama, with all its miserable memories, we are abandoning that which the House has sent to us, the Hepburn bill.

If you do not want to defeat a canal—if that is not any part of the purpose, and the Senator from Ohio [Mr. HANNA] assures us, and we are bound to believe him, that that is no part of the purpose—why not go along with the House with your own record, when you had the same information in every respect that you have now, if you leave out the French bargain which has been offered to you? Not a fact has been changed.

You voted for it in substance by 17 majority. Mr. HEPBURN had it passed and sent over here last session. It is true we did not have time to consider it. We were very busy about more important matters, and we never had time to consider it. It has come across my mind—and I might just as well speak it out now—that there was a purpose to defeat any canal at any time to be built by the United States, because it interfered very materially with other business interests. But, Mr. President, if you do not want to defeat any canal at all, why not go along with the House? I do not personally know Mr. HEPBURN, but I have heard a marvelous account of the nerve he displayed at Stone River and Chickamauga, and I do hope to God that there is a large part of that courage left.

During Mr. PETTUS'S speech,

Mr. SPOONER. Will the Senator do me the kindness to yield for a single second?

Mr. PETTUS. Certainly.

Mr. SPOONER. I of course have the right to perfect the substitute which I have proposed to the bill, and I have drawn some amendments to it. I ask that it be printed with the amendments in italics.

Mr. KEAN. Will the Senator also ask to have it printed in the RECORD?

Mr. SPOONER. Very well; I ask to have it printed in the RECORD in the same way.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the order is made.

Mr. SPOONER. I thank the Senator from Alabama.

The amendment as modified is as follows:

Amendment intended to be proposed by Mr. SPOONER to the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, viz: Strike out all after the enacting clause and insert the following:

That the President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding $40,000,000, *all of* the rights, *privileges, franchises*, concessions, grants of land, right of way, unfinished work, plants, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company, of France, on the Isthmus of Panama, and all *its* maps, plans, drawings, records, *on the Isthmus of Panama* and in Paris, including *all the capital stock, not less, however, than* 68,863 shares of the Panama Railroad Company, owned by *or held for the use of* said canal company, provided a satisfactory title to *all of* said property can be obtained.

SEC. 2. That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, *exclusive and perpetual* control [in perpetuity] of a strip of land, the territory of the Republic of Colombia, [ten] *not less than six* miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal, of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Railroad, if the ownership thereof, or a controlling interest therein, shall have been acquired by the United States, and also jurisdiction over said strip and the ports at the ends thereof to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals thereon as may be necessary to enforce such rules and regulations.

The President may acquire such additional territory and rights from Colombia as in his judgment will facilitate the general purpose hereof.

SEC. 3. That when the President shall have [obtained] *arranged to secure* a satisfactory title to the property of the New Panama Canal Company, as provided in section 1 hereof, and [the] *shall have obtained by treaty* control of the necessary territory from the Republic of Colombia, as provided in section 2 hereof, he is authorized to pay for the property of the New Panama Canal Company $40,000,000 and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on [a] warrant *or warrants* drawn by the President.

The President shall then [direct the Secretary of War to] cause to be excavated, constructed, and completed, utilizing to that end as far as practicable the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and [the Secretary of War] *he* shall also cause to be constructed such safe and commodious harbors at the termini of said canal, and make such provisions for defense as may be necessary for the safety and protection of said canal and harbors. That the President is authorized for the purposes aforesaid to employ such persons as he may deem necessary, and to fix their compensation.

SEC. 4. That should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and [such] *the* control of the necessary territory of the Republic of Colombia *and the rights* mentioned in sections 1 and 2 of this act, within a reasonable time and upon reasonable terms, then the President, having first obtained for the United States [similar] *exclusive and perpetual* control *by treaty* of the necessary territory from Costa Rica and Nicaragua, upon terms which he may consider reasonable, for the construction, *perpetual* maintenance, operation, and protection of a canal connecting the Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaragua route, shall [direct the Secretary of War] *cause* to [excavate] *be excavated* and [construct] *constructed* a ship canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito on the Pacific Ocean.

Said canal shall be of sufficient capacity and depth to afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from [Greytown to Brito] *ocean to ocean;* and [the Secretary of War] *he* shall also construct such safe and commodious harbors at the termini of said canal as shall be necessary for the safe and convenient use thereof, and shall make such provisions for defense as may be necessary for the safety and protection of said harbors and canal; *and such sum or sums of money as may be agreed upon by such treaty as compensation to be paid to Nicaragua and Costa Rica for the concessions and rights hereunder provided to be acquired by the United States, are hereby appropriated out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.*

The President shall cause such surveys as may be necessary for said canal and harbors to be made, and in making such surveys and in the construction of said canal may employ such persons as he may deem necessary, and may fix their compensation.

In the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That the sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated *by either route so selected.*

And the Secretary of War is hereby authorized to enter into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this act. Appropriations therefore [may] *shall* from time to time be hereafter made, not to exceed in the aggregate *the additional sum of* $135,000,000 should the Panama route be adopted, or $180,000,000 should the Nicaragua route be adopted.

SEC. 6. That in any agreement with the Republic of Colombia, or with the States of Nicaragua and Costa Rica, the President is authorized to guarantee to said Republic or to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

SALARIES OF POST-OFFICE CLERKS.

After Mr. PETTUS'S speech,

Mr. MASON. I ask unanimous consent to call up the bill (S. 4949) to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes. It was up yesterday.

Mr. KEAN. I move that the Senate adjourn.

Mr. MASON. I hope the Senator will not do that. It will take but a moment. No one objects to the bill.

Mr. DANIEL. I should like to understand it.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Jersey, that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, June 19, 1902, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 18, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10172. An act granting an increase of pension to Thomas Finegan;

H. R. 1466. An act granting a pension to Alfred Hatfield;

H. R. 12724. An act granting an increase of pension to Richard M. Kellough;

H. R. 14224. An act granting an increase of pension to Margaret S. Tod;

H. R. 3768. An act granting an increase of pension to John W. Campbell;
H. R. 12770. An act granting an increase of pension to Carrie M. Schofield;
H. R. 11327. An act granting an increase of pension to Charles E. Pettis;
H. R. 14118. An act granting a pension to Mary C. Bickerstaff;
H. R. 2615. An act granting an increase of pension to Charles E. Miller;
H. R. 11865. An act granting an increase of pension to John A. Robertson;
H. R. 8026. An act granting an increase of pension to Joseph D. McClure;
H. R. 12305. An act granting an increase of pension to Charles Olson;
H. R. 13554. An act granting an increase of pension to Andrew E. Hicks;
H. R. 14079. An act granting an increase of pension to John Miller;
H. R. 14052. An act granting an increase of pension to George Fusselman;
H. R. 13597. An act granting an increase of pension to Edmund B. Appleton;
H. H. 13423. An act granting an increase of pension to Elizabeth Wall:
H. R. 13946. An act granting an increase of pension to Stephen B. Todd;
H. R. 11493. An act granting a pension to Mary A. Lipps;
H. R. 6847. An act to correct the record of Michael Hayes;
H. R. 10794. An act granting a pension to Thomas H. Devitt;
H. R. 884. An act granting an increase of pension to Ellen W. Rice;
H. R. 13378. An act granting an increase of pension to Edwin Beckwith;
H. R. 9463. An act granting an increase of pension to Edgar A. Stanley;
H. R. 9164. An act granting an increase of pension to John H. Crawford;
H. R. 13063. An act granting an increase of pension to Julia B. Shurtleff;
H. R. 12408. An act granting an increase of pension to John A. Eveland;
H. R. 11115. An act granting a pension to Angeline H. Taylor;
H. R. 8780. An act granting an increase of pension to Pierson L. Shick;
H. R. 13321. An act granting an increase of pension to John S. Bonham;
H. R. 13017. An act granting an increase of pension to James Austin;
H. R. 954. An act granting an increase of pension to Rachel Brown;
H. R. 11711. An act granting an increase of pension to Isaac Gibson;
H. R. 13178. An act granting a pension to William F. Bowden;
H. R. 10255. An act granting a pension to Margaret Tisdale;
H. R. 8476. An act granting an increase of pension to Moses S. Curtis;
H. R. 8457. An act granting an increase of pension to Gibboney F. Hoop;
H. R. 945. An act granting an increase of pension to William W. Richardson;
H. R. 14359. An act granting a pension to Luther G. Edwards;
H. R. 13691. An act granting an increase of pension to James M. Conrad;
H. R. 14374. An act granting a pension to Samantha Towner;
H. R. 12976. An act granting an increase of pension to Jacob Smith;
H. R. 12312. An act granting a pension to Susan Walker;
H. R. 13081. An act granting an increase of pension to Anthony J. Railey;
H. R. 13683. An act granting an increase of pension to Ella B. S. Mannix;
H. R. 1478. An act granting an increase of pension to Henry Runnels;
H. R. 10767. An act granting an increase of pension to Louisa N. Grinstead;
H. R. 10954. An act granting an increase of pension to Mary J. Gillam;
H. R. 14012. An act granting a pension to Fannie Reardon;
H. R. 12047. An act granting an increase of pension to Jackson L. Wilson;
H. R. 12409. An act granting an increase of pension to Jesse M. Peck;
H. R. 9710. An act granting an increase of pension to Elizabeth J. Eagon;
H. R. 12774. An act granting an increase of pension to John M. Brown;
H. R. 9717. An act granting a pension to Isaac M. Pangle;
H. R. 13675. An act granting an increase of pension to George W. White;
H. R. 12130. An act granting a pension to Christopher S. Stephens;
H. R. 10899. An act granting an increase of pension to William Warner; and
H. R. 8109. An act granting an increase of pension to William H. McCarter.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6015. An act granting an increase of pension to Clara M. Gihon—to the Committee on Pensions.
S. 4493. An act granting an increase of pension to Michael Volz—to the Committee on Pensions.
S. 3423. An act granting an increase of pension to Maria V. Stadtmueller—to the Committee on Invalid Pensions.
S. 5239. An act granting an increase of pension to Joseph A. Kerbey—to the Committee on Invalid Pensions.
S. 3180. An act granting a pension to Emma L. Ferrier—to the Committee on Pensions.
S. 4517. An act for the relief of Priscilla R. Burns—to the Committee on Claims.
S. 5944. An act granting an increase of pension to Frederick W. Wiley, alias William F. Wiley—to the Committee on Pensions.

LEAVE TO PRINT.

Mr. WILEY. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD on the bill H. R. 11412.
There was no objection.

SANTA FE PACIFIC RAILROAD.

The SPEAKER laid before the House the bill (H. R. 10299) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes, with Senate amendments, which were read.
Mr. WM. ALDEN SMITH. I move to concur in the Senate amendments.
The motion was agreed to.
On motion of Mr. WM. ALDEN SMITH, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SHALLENBERGER, for ten days, on account of important business.

MOTION TO RECONSIDER.

Mr. CANNON. The gentleman from Alabama suggests that he wants to enter a motion to reconsider and let it be pending.
Mr. UNDERWOOD. Mr. Speaker, by request of my friend from Texas [Mr. STEPHENS], who voted in the negative, I voting in the affirmative, on House bill 53 last night, he desires to have a motion to reconsider pending. Therefore I move, at his request, to reconsider the vote for the engrossment and third reading of the bill.
The SPEAKER. What was the title of the bill?
Mr. UNDERWOOD. It was House bill 53.
The SPEAKER. There was no bill of such number under consideration. Can the gentleman state the title of the bill?
Mr. UNDERWOOD. It is in reference to the Kiowa, Comanche, and Apache Indian reservations.
Mr. CANNON. I will say to my friend that there was no record vote on that. The third reading was denied.
Mr. UNDERWOOD. Well, I am not going to ask for a vote. I merely wish, at the request of the gentleman from Texas, to enter a motion to reconsider.
The SPEAKER. That was House bill 103, to open for settlement 480,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory.
Mr. UNDERWOOD. I make a motion to reconsider at the request of the gentleman from Texas.
The SPEAKER. The gentleman from Alabama enters a motion to reconsider the vote by which the House refused to order the bill to be engrossed.
Mr. UNDERWOOD. And let it be pending.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the District of Columbia appropriation

bill with the amendments by the Senate, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the District of Columbia appropriation bill, disagree to the amendments of the Senate, and ask for a conference. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees on the part of the House: Mr. MCCLEARY, Mr. CANNON, and Mr. BENTON.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I now move that the House resolve itself into Committtee of the Whole House on the state of the Union for the purpose of considering the general appropriation bill; and, pending that motion, I would be glad if I can by unanimous consent fix a time for general debate.

Mr. LIVINGSTON. What time does the gentleman want to close?

Mr. CANNON. As early as possible. Is the gentleman from Tennessee [Mr. RICHARDSON] in his seat?

Mr. LIVINGSTON. I represent him.

Mr. CANNON. I merely wanted to know what arrangement we could make, if he was here, because he had talked with me about it.

Mr. LIVINGSTON. He has just left. He communicated with me.

Mr. CANNON. I will ask the gentleman from Georgia, with the statement that to-morrow we commence under the special order with the insular bill—this bill ought to be completed to-day, and I am going to ask the House to sit until it is completed. Well, now, with that statement, what arrangement can we make as to when we shall close general debate?

Mr. LIVINGSTON. We want about two and a half hours on this side.

Mr. CANNON. We can not agree to that. That would mean five hours' debate if we had the same on this side, and it would take all of the session. Now, at this stage of the session, it seems to me we ought to get along with a less amount of time.

Mr. BARTLETT. The gentleman says "at this stage of the session." Will the gentleman kindly inform us when he expects the session to end?

Mr. CANNON. It shall not be my fault if it does not end before the 4th of July. [Applause.]

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 15108, and pending that——

Mr. CANNON. And pending that, Mr. Speaker, I am trying to arrange about general debate being closed.

Mr. LIVINGSTON. I have stated the time that we wanted. Now, what will the gentleman concede to us? I do not see how we can get along on this side with much less than that. Mr. RICHARDSON, the minority leader, wants an hour or an hour and a half, and I want to secure it for him if I can. If you will give us two hours that will give him an hour or an hour and a half, and I can use the other half hour myself.

Mr. CANNON. Well, if the gentleman from Georgia wants an hour and a half for the purpose indicated we will get through on this side in an hour, and that will make two hours and a half.

Mr. LIVINGSTON. Two hours and a half to this side?

Mr. CANNON. No; an hour and a half for your side and an hour for this side, and I hope we shall not use the whole hour.

Mr. LIVINGSTON. And if you do not, I can get the other half hour? [Laughter.]

Mr. CANNON. Oh, no; the gentleman from Georgia and the gentleman from Tennessee, like all the rest of us, want to get on as rapidly as we can.

Mr. LIVINGSTON. Very well; we will take an hour and a half on this side.

Mr. CANNON. Then, Mr. Speaker, I ask unanimous consent that general debate close in two hours and a half, one hour and a half to be controlled by the gentleman from Georgia and one hour for this side.

The SPEAKER. Not to exceed two hours and a half. The gentleman from Illinois asks unanimous consent that general debate shall not exceed two hours and a half, one hour and a half to be controlled by the gentleman from Georgia and the other hour by the gentleman from Illinois. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The motion of Mr. CANNON was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union (with Mr. SHERMAN in the chair) for the consideration of the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I now yield thirty minutes to the gentleman from California.

Mr. LOUD. Mr. Chairman, I believe this is the first time since I have been a member of Congress that I have offered remarks not directed entirely to the bill under consideration. And I would not at this time seek to offer remarks of this character if the subject which I propose to discuss had not been substantially a living question before Congress for many years, and in my own State a question that has apparently become paramount to all others in the political field.

I shall discuss, Mr. Chairman, without passion, and without intended malice toward anyone, but with the object of presenting to the House and to the country a fair statement, as I see it, regarding the question of salaries of postal employees. It is a question of interest to the great majority of the House, and it may be that there are some members of the House, and possibly some gentlemen in the country, who do not thoroughly understand the question which has been discussed, though briefly, for a number of years.

There has been for more than ten years some considerable agitation regarding the increase of salaries of post-office clerks, railway mail clerks, letter carriers, and fourth-class postmasters; that including, I believe, all that have made, at least, combined efforts before Congress to increase their salaries, I am one who believes that the Government, in common with all who employ labor, should pay that labor a good living salary. I believe the Government should pay as large a salary as any private individual pays, and no more. The Government service is the best service in this country, as it is in all others. Probably, as matter of fact, a man who works for the Government, if he is to be paid upon the same plane with the rest of the people, should receive a less per diem than he would receive from a private individual. The reason for that is that the Government is a liberal employer. It grants leaves of absence, and its employment is permanent at all times. Whether times be dull or times be good, the Government employee's salary goes on steadily forever. In private vocations you will see the trend of wages is upward and downward, as there may be a demand for labor; but with the Government employee, his salary never goes backward, and is not affected by dull times.

The measure which I shall particularly discuss is the increase of salaries of the letter carriers. I shall discuss it comparatively with the wages paid to 105,000 other postal employees and briefly and comparatively with the wages earned by skilled mechanics throughout the country.

The average salary of the post-office clerk is about $800 per year. The average salary of the railway mail clerk is about $1,020 a year. The average salary of the letter carrier is about $918 a year. The service of the letter carrier, based on the examination for entry and by the Department, is held to be the lowest branch of the postal service. Yet I think I can show to the House that letter carriers receive a greater amount of money in net dollars than any other branch of postal employees as a class.

I said the railway mail clerk received an average salary of about $1,020 and the letter carrier $918; but it must be borne in mind that the railway mail clerk is compelled, by reason of his vocation and his absence from home, to expend at least $100 a year for his meals and his sleeping apartments while away from his domicile. According to the statement of men who are probably more familiar with the subject than I am, the amount is $150 a year. As I said before, the average salary of the post-office clerk is about $800.

Now, the particular agitation is for the increase of the salary of letter carriers to $1,200 a year. What I want to call the attention of the House to is this as a fundamental proposition: If the letter carriers are worth $1,200 a year, a post-office clerk is worth $1,400 a year, and a railway mail clerk is worth $1,600 a year. From that standpoint I propose to discuss this question. I do not believe there is a man familiar with the postal service who will gainsay that fundamental statement.

The salaries of the railway mail clerks are fixed by Congress substantially at every session within a certain maximum. The salary of the post-office clerk is fixed within a certain statutory maximum at every session of Congress. The letter carriers, however, are an excepted class of people, privileged beyond all other Government employees of the United States in this respect, that the letter carriers' salary advances by law irrespective of the merits of the man.

When I offered that suggestion to the president of the Letter Carriers' Association, he said to me, "Why, no; you do not have to advance the letter carrier from $600 to $800 and from $800 to $1,000. You can dismiss him." Well, yes; we can either dismiss him or promote him under the law.

I was at the Post-Office Department the other day and tried to secure some estimate of what a bill on this basis in its effect upon other employees would cost the country; and I asked a gentleman in the office of the Second Assistant Postmaster-General who has something to do with the Railway Mail Service to "give me an estimate of how much it would cost the country if the railway mail clerks receiving, as now, $800 when appointed should be advanced at the end of one year to $1,000 and at the end of another year to $1,200 and at the end of another year to $1,400." "Why," he said, "you do not intend to enact any such legislation as that, do you?" "Well," said I, "that is not what I came here for. I simply want the figures as to how much it would cost." "Why," said he, "legislation of that character would destroy the Railway Mail Service, because the only hope of any service is in holding out hope of promotion to the officer by reason of his individual efficiency."

Mr. WM. ALDEN SMITH rose.

The CHAIRMAN. Does the gentleman from California [Mr. LOUD] yield?

Mr. LOUD. I do not like to do so, for I have only half an hour; but I yield.

Mr. WM. ALDEN SMITH. Does not the gentleman from California think that in his presentation of this question at the present time he is taking a rather unfair advantage of those who favor the bill for increasing the salaries of the letter carriers?

Mr. LOUD. I do not think so, because I am going to present to this House a few fundamental facts which any man can acquaint himself with.

Mr. WM. ALDEN SMITH. But to which we have no opportunity to reply.

Mr. LOUD. Oh, I think you have.

Mr. WM. ALDEN SMITH. If we had your bill or the report of your committee before us, the case would be different.

Mr. LOUD. I think the gentleman or anybody else can reply to my remarks. He can have my time on the Philippine bill if he wants to reply and thinks he can do so.

Now, I say again, Mr. Chairman, that the system of promotion of the letter carrier is absolutely wrong in principle or it is absolutely right in principle; and if right in principle, then these 105,000 other men should be put upon exactly the same plane as the 15,000. That is the only position I propose to take. I submit that if it appears to be the wisdom of Congress to promote post-office employees by law rather than by efficiency, then it is only justice that the 105,000 employees should be put upon exactly the same plane as the 15,000. I do not, however, favor legislation of that character, because I do not believe that a man should receive promotion in this or any other service unless he can show his efficiency year by year. As the gentleman up in the Post-Office Department said to me, "If legislation of that character were put upon the statute books, it would totally destroy the efficiency of the Railway Mail Service." Well, it can not destroy the efficiency of the letter-carrier service, because we have always had that system.

I know gentlemen say that letter carriers' work is all the same. I say there are very few men created either mentally or physically exactly alike. Under existing law, a man seeking the position of letter carrier takes an examination very simple in character—much more simple than the examination for post-office clerk, much more simple than the examination for railway mail clerk—so simple an examination that it is just above the examination for laborer. The carrier is appointed at $600 a year; at the end of a year he gets $800; at the end of another year he gets $1,000. It does not make any difference whether he is a most efficient carrier or whether he be a most ordinary carrier.

Now, let us see whether the work is all alike or not. From 15 to 20 per cent of the letter carriers are collectors. All they do is to open a letter box, take the mail out, put it into a sack, take it to the post-office, and dump it out upon a table; and from personal experience I know that men who are unfitted for carriers, by reason of some conditions, having been tested as carriers and found unfitted to perform that work, are put on as collectors. I know that some men who have physical infirmities, and the men who are old in the service and can not possibly carry a route, are made collectors. Now, what that legislation proposes to do is to pay every one of these men in a city over 75,000 inhabitants $1,200 a year so long as they may live. That will take in this 20 per cent of the force, mind you. Now, you can do it if you want to, but I do not intend that Congress or the country shall do this, if I can prevent it, until they do it with their eyes wide open.

Mr. WM. ALDEN SMITH rose.

Mr. LOUD. Mr. Chairman, I would rather not be interrupted.

The CHAIRMAN. The gentleman declines to yield.

Mr. LOUD. If I had the time, you know I would like to yield. Let us see what this will cost to put these men all on the same basis. The question of cost, of course, is so insignificant that it is hardly worthy of consideration by a great legislative body, yet if the carriers shall be increased to $1,200 per annum, then in order to put the rest of the postal service upon the same basis it will involve an annual expenditure, according to the figures of the Post-Office Department, of about $10,000,000 a year—which I firmly believe is two or three millions of dollars less than it would cost, because they have all figured conservatively in giving the figures to me—thus adding to the salary roll of the Post-Office Department more than $10,000,000 a year.

Oh, I know some people here say, You do not have to do this; you will not have to increase the salary of the post-office clerks; you will not have to increase the salary of the railway mail clerks. But Congress ought to do such an act of justice. Simply because the pressure is greater behind the letter carriers' salary bill than behind any other is no reason why Congress should single them out, because, as I say—and I make the statement without fear of successful contradiction—they receive an average of more net dollars per annum than the 105,000 other postal employees. Well, now, some think thay can make politics out of that. They are trying to do it in my State; trying very hard. I believe every Republican club that has met in my State up to the present time has not alone advocated but substantially demanded that I press to early passage the letter carriers' salary bill as a political proposition. But I say that it is not a political proposition to take 15,000 of the best paid men in the postal service and increase their salaries and leave 105,000 others outside.

Mr. WM. ALDEN SMITH. Mr. Chairman, I hope the gentleman from California will not suggest that that is the inspiration of this bill. There are men here who consider it on its merits, even though he does not.

Mr. GOLDFOGLE rose.

Mr. LOUD. Mr. Chairman, I have the reputation of stating what I want to [laughter], and I will say to the gentlemen, Mr. Chairman, that the chairman of the Appropriation Committee yielded a half hour to me, and I will not have time in that half hour to answer questions.

The CHAIRMAN. The gentleman prefers not to be interrupted.

Mr. LOUD. I hope the gentlemen understand that I court interruption if I have the time. I think I understand the question quite as well as either the gentleman from Michigan [Mr. WM. ALDEN SMITH] or the gentleman from the great city of New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Chairman, I desire to ask a question about it; that is all.

Mr. LOUD. The gentleman knows that questions take up time. I propose to take up some of the questions that have been urged on behalf of the letter carriers as to why they should receive greater compensation at our hands than anybody else. It has been urged that they have to serve four and five years as a substitute. It is false. It never had foundation in fact. Here, according to the Post-Office Department, I find the average term of a carrier serving as a substitute is one year and seven months, given here by cities.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
FREE-DELIVERY SYSTEM, DIVISION OF CITY DELIVERY,
Washington, March 22, 1902.

Hon. E. F. LOUD,
House of Representatives.

SIR: In response to your request of the 15th instant, I have the honor to transmit herewith a statement showing the average length of service of substitute carriers for the last ten years in the twenty largest cities in the United States.

Very respectfully,

J. M. MASTEN,
Acting First Assistant Postmaster-General.

Average length of service of substitute carriers, for the last ten years, at the twenty largest cities in the United States.

	Yrs.	Mo.		Yrs.	Mo.
New York, N. Y	2	2	Pittsburg, Pa	1	6
Chicago, Ill	0	9	New Orleans, La	2	2
Philadelphia, Pa	1	9	Detroit, Mich	1	4
St. Louis, Mo	1	2	Milwaukee, Wis	1	10
Boston, Mass	1	9	Washington, D. C	1	8
Baltimore, Md	2	0	Newark, N. J	1	3
Cleveland, Ohio	1	3	Jersey City, N. J	1	7
Buffalo, N. Y	1	2	Louisville, Ky	1	10
San Francisco, Cal	2	4	Minneapolis, Minn	2	0
Cincinnati, Ohio	1	9	Providence, R. I	1	10

General average, 19 months, or 1 year and 7 months.

A statement was made before the Post-Office Committee not long ago that they had to work every Sunday. It is false. It never had foundation in fact. They do work Sundays, and I will print this table in my remarks to show that they averageon Sundays about one hour and twelve minutes—in some places a little less and in some a little more; but they work either every third Sunday three or four hours or every fourth Sunday, and in no city of the United States are carriers expected or compelled, according to the authority of the Post-Office Department, to work every Sunday, but, the same as post-office clerks, every third or fourth Sunday they go down and take a short shift at work.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPT. FREE-DELIVERY SYSTEM,
DIVISION OF CITY DELIVERY,
Washington, June 4, 1902.

Hon. E. F. LOUD,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

SIR: Replying to your inquiry as to the number of hours carriers are required to work on Sunday, I have the honor to submit the following:

Number of free-delivery offices in operation	922
Number at which no Sunday service whatever is required	78

From the data at hand it is estimated that the carriers at the 53 first-class offices, employing three grades, average one hour and twenty-two minutes per carrier each Sunday. At the second-class or smaller offices, employing two grades, the average is one hour and forty-eight minutes per carrier each Sunday, the average throughout the service being one hour and thirty-two minutes.

For your further information I make the following statement relative to the service in New York, Philadelphia, and Chicago:

In New York 575 carriers are employed each Sunday for three hours and twenty-five minutes each. Averaging this among the 1,629 carriers employed in that city we find the average for the entire force to be one hour and twelve minutes per carrier.

In Philadelphia 25 per cent of the delivery carriers are employed every Sunday, so that each carrier is required to report for duty every fourth Sunday and is on duty for three hours.

Thirty-eight per cent of the collectors are on duty for six hours and thirty minutes each Sunday, so that the collectors practically work one Sunday and have two Sundays off, while the carriers work one Sunday and have three Sundays off.

This would make the average for the entire force fifty-eight minutes per carrier each Sunday.

In Chicago the carriers are worked as follows:

Seven hundred and sixty-eight carriers, two hours and thirty-five minutes every second Sunday.

Three hundred and ninety-six carriers, three hours and ten minutes every third Sunday.

Four carriers, one hour and forty-five minutes every Sunday.

Two collectors, one hour and three minutes every Sunday.

Two hundred and one collectors, three hours and thirty minutes every second Sunday.

Twenty-four collectors, four hours every third Sunday.

Forty-four collectors, three hours and thirty minutes every fourth Sunday.

Ten collectors, four hours and thirty minutes every fifth Sunday.

Fourteen collectors, two hours and thirty minutes every seventh Sunday.

Ten carriers do no work.

A careful computation shows that the average for the entire force at Chicago is one hour and twelve minutes per carrier each Sunday.

Very respectfully,

R. J. WYNNE,
First Assistant Postmaster-General.

Now, it has been urged that the poor carrier is subjected to the blasts of winter and the heat of summer. But let us see. I have had compiled here the length of time that our carrier friends are subjected to the blasts of winter and the heat of summer, and I will insert them in my remarks, which will show that the average time spent out in the blasts of winter and the heat of summer is an average of five hours and fifty-one minutes a day, divided up into three and one-third trips. Part of this time the carrier is in houses and stores, too; but the whole time, from the time that he leaves the office until he gets back to the office, on the average, can not exceed one hour and forty minutes. Think of it, you gentlemen from Minnesota and Wisconsin—subjected to the blasts of winter for an hour and forty minutes at a time!

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
OFFICE OF GENERAL SUPT. FREE-DELIVERY SYSTEM,
DIVISION OF CITY DELIVERY,
Washington, March 18, 1902.

Hon. E. F. LOUD,
House of Representatives.

SIR: Referring to your favor of the 15th instant, asking for certain information relative to the twenty largest cities of the country, I have the honor to inclose herewith statement showing the average time spent by regular letter carriers on their trips, the average number of trips made per carrier, and the office time of the carriers.

It will require considerable time to compile the information regarding substitute carriers, as the computation must be made from the office records. The statement is being prepared, and will be completed and forwarded to you as soon as possible.

Very respectfully,

W. M. JOHNSON,
First Assistant Postmaster-General.

Name of office.	Average time on trips.[1]	Average number of trips per carrier.[2]	Average office time.[3]
	H. M.		*H. M.*
New York, N. Y.	4 58	3⅔	2 57
Chicago, Ill.	6 4	3 3/10	1 55
Philadelphia, Pa	5 19	3½	2 29
St. Louis, Mo	6 6	3⅔	1 44
Boston, Mass	5 36	4 1/10	2 12
Baltimore, Md	5 46	3⅘	2 10
Cleveland, Ohio	5 56	3	2 2
Buffalo, N. Y	5 46	3½	2 9
San Francisco, Cal.	5 41	3⅔	2 14
Cincinnati, Ohio	5 22	3⅔	2 26
Pittsburg, Pa	5 51	3½	2 6
New Orleans, La	6 3	2⅔	1 51
Detroit, Mich.	5 30	2 7/10	2 10
Milwaukee, Wis.	5 56	2⅔	1 59
Washington, D. C	5 45	3½	2 8
Newark, N. J.	5 54	2⅔	1 57
Jersey City, N. J	6 12	3⅓	1 45
Louisville, Ky	5 47	3	1 59
Minneapolis, Minn	5 32	3½	2 21
Providence, R. I	5 58	3	1 56

[1] Average, 5 hours 51 minutes.
[2] About 3½ hours.
[3] Average, 2 hours 3 minutes.

This table also shows the average time worked by the letter carrier. In no city does he work the full eight hours, because it is impossible. If letter carriers happen to be caught in the office after the eight hours expire, oh, they have had lots of mercy on us! They have received four or five or six million dollars for overtime, time that never was worked in many instances, and I know whereof I speak, but simply time spent in the office and other places. And because of that custom, when the gentleman from Buffalo, Mr. Bissell, was Postmaster-General, he ordered the poor letter carriers outdoors in the cold blasts of winter, for which he was criticised by the press of the country. Why did he do it? Because they claimed time while they were toasting their feet against the stove, and the only way he could prevent this accumulation of overtime was by compelling them to leave the office. It is unfortunate that they should be put out in the cold, but if they had to charge the Government for warming their feet, the efficient Postmaster-General thought it was wise that they should go to some other stove where they could not charge the time up against the Government.

Now, I shall insert in my remarks here some tables regarding the income of others than postal employees. I shall insert this table here which has been inserted in tariff speeches, giving the scale beginning in 1840 and running up to 1899, taking 1860 as the base at 100 per cent, and while the claim is that the trend of wages has been upward, I say that in dollars the scale of wages has never yet reached the scale of 1873, the year of the demonetization of silver. I do not know what relation there is between the two, but the per cent of wages had run up then to 167.1. In 1899 it was 162. Of course I know people will say that they were paid in greenbacks, but they were paid in dollars current at that time.

TABLE E.—*Relative wages in the United States from 1840 to 1899, as compared with wages in 1860.*

[The relative wages for the period from 1862 to 1878, inclusive, are based on wages as paid in currency—not in gold.]

Year.	Relative wages.	Year.	Relative wages.
1840	87.7	1870	162.2
1841	88	1871	163.6
1842	87.1	1872	166
1843	86.6	1873	167.1
1844	86.5	1874	161.5
1845	86.8	1875	158.4
1846	89.3	1876	152.5
1847	90.8	1877	144.9
1848	91.4	1878	142.5
1849	92.5	1879	139.9
1850	92.7	1880	141.5
1851	90.4	1881	146.5
1852	90.8	1882	149.9
1853	91.8	1883	152.7
1854	95.8	1884	152.7
1855	98	1885	150.7
1856	99.2	1886	150.9
1857	99.9	1887	153.7
1858	98.5	1888	155.4
1859	99.1	1889	156.7
1860	100	1890	158.9
1861	100.8	1891	160.7
1862	102.9	1892	161.2
1863	110.5	1893	159.6
1864	125.6	1894	157.6
1865	143.1	1895	157.3
1866	152.4	1896	157.4
1867	157.6	1897	159
1868	159.2	1898	158.8
1869	162	1899	163.2

Mr. WM. ALDEN SMITH. The purchasing power of the dollar is larger now.

Mr. LOUD. Oh yes; the purchasing power of the dollar is greater than it was in 1873.

Mr. WM. ALDEN SMITH. That is what we contend.

Mr. LOUD. Of course you contend that, and he is now paid just as many dollars as he was then, with a greater purchasing power. The Government employee is no exception to the rule. He goes on. I will insert in my remarks here some tables prepared by the Commissioner of Labor, showing the income for different trades in the State of Pennsylvania. It was the only State, he said, in which they could furnish me with tables. I will assume that the average wage in the State of Pennsylvania is as great as it is in any State in the United States.

Mr. GOLDFOGLE. That takes in the miners, does it not?

Mr. LOUD. Well, we will see who it takes in. I will assume, however, that the architectural and cast and wrought iron men are not included in with miners. It includes 354 trades. Now, the highest income of any trade was the car-spring manufacturers, who, in the year 1900, had an average income of $783.54. Architectural and cast and wrought iron workers in 1900 were paid $545. In 1892 they were paid $600. You see, this income fluctuates by years. Some trades have gone up and some have gone down, but the letter carrier, as I said before, goes on forever.

Average yearly earnings of employees in 44 industries and 354 establishments in Pennsylvania for the years 1892 to 1900, inclusive.

[From the Annual Report of the Secretary of Internal Affairs of Pennsylvania, 1900, Part III, Industrial Statistics, p. 89.]

Character of industry.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.
Architectural cast and wrought iron work	$600.01	$581.70	$500.19	$547.05	$553.71	$550.44	$537.42	$553.34	$545.01
Boilers	419.41	393.67	319.23	364.61	310.13	363.29	368.12	464.53	472.34
Bridges	437.69	425.86	405.31	464.32	397.03	436.94	440.26	419.29	537.92
Car couplers	545.00	493.64	386.96	502.94	446.90	457.32	449.43	496.13	505.06
Car springs	675.36	558.81	459.85	631.36	661.14	553.15	679.73	729.46	738.54
Carbons	520.83	540.00	527.28	571.43	480.00	480.00	480.00	532.63	501.60
Carpets	381.24	368.45	355.30	374.48	341.41	360.88	356.23	373.53	384.69
Cars and car wheels	533.11	502.39	456.65	531.01	479.81	501.87	535.49	553.78	560.44
Chenille goods	411.21	377.93	376.55	387.14	364.13	373.04	356.20	421.29	402.55
Cotton and woolen goods	346.10	310.00	290.19	306.62	286.72	309.46	315.53	323.06	324.05
Cotton goods	384.50	306.30	317.75	332.19	273.27	299.84	323.42	351.08	340.78
Cotton yarns	326.53	306.36	262.90	305.46	288.52	305.92	307.31	329.70	340.32
Engines and boilers	536.72	510.03	528.49	533.66	488.16	458.24	503.87	516.72	526.82
Hardware	388.94	376.59	337.79	371.63	346.14	353.98	339.70	391.42	332.98
Hosiery	261.85	249.64	219.16	259.50	233.41	256.76	251.37	252.76	269.36
Hosiery and knit goods	331.61	303.32	319.67	285.81	232.27	276.78	284.76	312.85	292.02
Iron and steel sheets and plates	633.81	579.19	524.31	560.32	528.67	493.63	521.56	574.18	556.52
Iron forging	650.21	596.95	503.31	524.03	518.62	527.67	547.51	557.84	717.50
Iron foundries and machine works	553.64	495.14	504.53	512.41	495.45	504.03	526.84	537.35	562.36
Knit goods	289.84	262.53	254.93	274.82	234.38	245.16	252.23	287.28	249.69
Locomotives and engines	598.10	560.70	477.72	558.79	528.21	537.76	576.74	594.65	603.22
Malleable iron	516.61	463.11	442.44	505.42	465.11	484.25	490.62	521.83	544.03
Metals and metallic goods	482.84	455.02	450.35	487.02	495.51	470.41	473.88	495.36	514.25
Miscellaneous yarns	389.80	316.07	330.31	358.57	344.51	371.72	339.05	378.27	401.49
Mixed textiles	351.81	308.40	287.86	303.30	295.37	292.18	298.23	315.05	308.02
Nails and spikes	429.19	397.94	334.21	350.18	278.79	346.52	264.96	339.06	350.86
Nuts and bolts	387.17	339.24	372.95	403.13	398.48	347.33	384.69	545.22	434.21
Pianos and organs	336.16	312.24	285.10	349.61	407.87	420.02	425.41	444.19	422.75
Pig iron	477.92	446.14	382.09	483.65	422.61	419.03	447.63	498.24	455.97
Pipes and tubes	430.78	395.98	406.38	444.34	421.15	473.40	477.41	483.52	493.83
Plate and bar	515.53	493.68	401.71	381.86	460.36	460.50	456.30	513.21	432.55
Rolling mills, general product	562.91	547.02	482.65	501.65	513.00	482.30	497.96	605.72	626.82
Rubber boots and shoes	436.25	415.63	366.16	378.65	338.66	276.37	349.43	351.75	348.27
Saws, edge tools, etc	533.68	527.72	444.05	538.62	498.88	465.15	499.74	514.40	530.97
Shipbuilding	550.80	556.49	574.32	567.91	552.52	555.68	490.73	528.09	499.26
Silk, broad goods	247.96	227.45	250.43	234.54	254.56	237.23	244.27	252.49	239.41
Steel	504.87	494.49	459.41	483.78	456.55	474.71	478.66	517.24	598.47
Stoves, ranges, heaters, etc	507.34	496.33	425.06	448.09	431.80	448.97	454.30	487.28	504.71
Tapestry and table covers	420.53	312.98	400.53	382.64	389.07	410.37	390.10	384.80	417.92
Window glass, bottles, and table goods	462.70	368.66	430.73	354.95	391.06	452.19	453.33	456.02	430.97
Woolen goods	350.51	310.19	286.00	313.49	304.88	330.75	334.65	344.42	362.87
Woolen yarns	283.03	291.53	249.61	262.38	306.83	260.71	305.26	307.46	308.39
Worsted goods	362.87	351.18	344.35	352.16	340.08	420.51	418.78	405.76	413.50
Worsted yarns	297.58	299.20	279.20	277.22	236.21	276.54	245.88	285.88	295.95

Mr. MANN. Who compiled those statistics?

Mr. LOUD. They were compiled by the Commissioner of Labor, Mr. Wright, whose letter accompanies the table.

Mr. TAWNEY. Can the gentleman state how the salaries of letter carriers compare with the salaries of railway postal clerks?

Mr. LOUD. I stated at the opening of my remarks that the letter carrier makes to-day more net dollars than the railway mail clerk.

Mr. TAWNEY. What is the relative time employed?

Mr. LOUD. Oh, well, I do not think there is much difference. Of course the railway mail clerks work longer shifts—twelve, fourteen, sixteen, and eighteen hours—but they get the consequent lay-offs. The average time put in by the railway mail clerk is a little less than eight hours, the same as it is by the carrier.

Now I quote from a report made as to Kansas. The trade reports, however, are very meager. I have not picked these out to suit myself; I have only taken such as the Commissioner of Labor furnished me, and have had to accept them. Here is a report of the wages of different wage-earners, by occupations, in the State of Kansas:

Statistics of wage-earners, State of Kansas, by occupation groups, 1900.

Occupation groups.	Average yearly wages.		Average yearly income from all sources.		Average yearly cost of living.		Days unemployed during year.	
	Number reporting.	Amount.	Number reporting.	Amount.	Number reporting.	Amount.	Number reporting.	Days unemployed.
Railway trainmen	105	$947.13	105	$980.08	94	$688.49	72	95
Other railway employees	105	602.70	105	641.27	94	456.51	62	49.6
Building trades	74	487.52	74	520.64	65	375.14	71	93.7
Miscellaneous trades	175	519.54	175	559.47	143	414.29	127	65.3
Farm labor	35	205.81	35	218.95	33	122.35	28	51
All occupations	494	601.07	494	636.32	429	455.23	360	73

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOUD. The gentleman from Illinois said he would yield me more time if I desired it.

Mr. CANNON. I yield fifteen minutes additional to the gentleman from California.

Mr. LOUD. I told the gentleman I would try to get through

in half an hour, if I could. I should like to have more time, so that gentlemen could ask me any questions they desired.

I find, according to this Kansas report, that the yearly income of railway trainmen in the State of Kansas, who are the highest paid men in this country engaged in any mechanical trade, and this includes engineers, conductors, firemen, and brakemen—their average annual income is $980.08.

With the railroad trainmen the same rule is applicable as that to the railway mail clerk. He is absent from home and his expenses, necessarily additional, are the same as the railway mail clerk, which will run from $100 to $150 a year. So that the carrier makes more net money than the railway trainmen of the country. In that table is also included other railway employees whose salaries average $641.27; in the building trade, $520.64. I will also incorporate that in my remarks.

Mr. GILBERT. What document is that?

Mr. LOUD. This is a report from the commissioner of labor in Kansas. It is included in "Bulletin, Department of Labor, No. 38."

I will also file with my remarks the income of the substitute carrier, compiled here from 20 cities. We could not get all of the cities, but I assume the 20 cities are a fair average. The average amount is $390 a year during his term as substitute, which is about $32 or $33 a month from the very time that they begin work.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
FREE-DELIVERY SYSTEM, DIVISION OF CITY DELIVERY,
Washington, March 26, 1902.

Hon. E. F. LOUD, *House of Representatives.*

SIR: Referring again to your favor of the 15th instant asking for information relative to the free-delivery service in the twenty largest cities of the country, I have the honor to submit herewith a statement showing the average annual compensation to substitute carriers for carrier service performed by them.

New York, N. Y	$363.30	New Orleans, La	$350.00
Chicago, Ill	460.00	Detroit, Mich	510.00
Philadelphia, Pa	410.52	Milwaukee, Wis	306.75
St. Louis, Mo	330.00	Washington, D. C	300.00
Boston, Mass	540.00	Newark, N. J	420.00
Baltimore, Md	484.35	Jersey City, N. J	360.00
Cleveland, Ohio	375.00	Louisville, Ky	406.00
Buffalo, N. Y	372.60	Minneapolis, Minn	278.90
San Francisco, Cal	417.00	Providence, R. I	384.70
Cincinnati, Ohio	385.94		
Pittsburg, Pa	347.00	Average	390.00+

Very respectfully,

J. M. MASTEN,
Acting First Assistant Postmaster-General.

Now, I would like to know in what vocation a young man would enter in any commercial house that he would get $32 or $33 the first month or the first year. I have been interested in several boys in my life, and have helped to put them into large commercial houses, where they may be fitted for combat with life, and I find that they get about $20 a month in my country when they go in as boys. Of course there are some men who become carriers after they are 34 years of age and have families, and maintain that it is a very small amount to receive. But let me ask why do they become carriers? Because life has practically been a failure with them in contact with the rest of our people up to that time.

Mr. GOLDFOGLE. When they get very old and infirm, too, they get no pension.

Mr. LOUD. That is true; but our friends, the letter carriers, have been here with a bill for pension. They withdrew that bill for pension of 60 to 75 per cent of full salary, and now only urge a bill to increase the salaries up to $1,200.

Mr. WM. ALDEN SMITH. There is no such proposition as that now.

Mr. LOUD. There is no such proposition as that now, but I will add that, as chairman of that committee for a number of years, what I am saying to the House is in the best of faith to you, and I think the House ought to be informed. They concluded that they would withdraw the pension bill until they got $1,200 a year, and I think no one will contradict or will deny that that is their intent; and, that after they shall have pushed through Congress a bill to pay them $1,200 a year compulsory, whether they be good, bad, or indifferent, whether they carry in the best district in a city or are collectors, then they will come to you for pensions. And then gentlemen talk about all carriers being alike. Why, many times in my city a carrier has come to me and said, "My district is so hard that I can not carry it. I can not do that work."

Many times I have gone to the superintendent and told him that, and he replied, "I will detail carrier 'Smith' for a week;" and when he has done that for a week he has said, "It is the easiest thing I have had." Now, do you ask me if carriers are alike? I say no. If you ever talk about carrier legislation, you should not contemplate paying them all the same salary. I think they ought to be advanced, if advanced at all, a hundred a year on efficiency, and not by law.

Now, I must hurry on. I can not attempt to suggest to this House further what it ought to do. If the House takes up this legislation, it it must do that, let it do an act of justice to all the postal employees, and if you are going to do that, it will increase the salary roll from ten to twelve or fifteen million dollars a year.

Now, then, one more thought about letter carriers and I am done. I want to make this broad statement: While the carriers have used every means in their power to secure the passage of this bill, many means which I have no right or desire to criticise, I say that they have come to Congress with unclean hands, and in a court of equity would have no standing, neither can they have before this legislative body. I have never had any doubt but that Congress would do what its judgment dictated ultimately. The Letter Carriers' Association in 1899 levied an assessment on its members of $10 a head, which assessment would have returned from $120,000 to $150,000. For what purpose? I do not think anybody questions but that that assessment was levied.

Mr. WM. ALDEN SMITH. I have heard it denied.

Mr. LOUD. I will put in my remarks the proof, or I would not have made the statement. I want to say, in justice to the carriers, that they protested, or that a majority of the branches protested. The matter went before the Scranton convention and was referred to the branches, and a majority of the branches protested against the assessment, and yet the assessment was made. In many instances it was paid, and while an offer to return the money was made, some of them, at least, I am informed, have refused to accept the return of that money and it lies subject to order.

In this connection I want the Clerk to read a speech of James Arkison, of Fall River, Mass. Let us see if there is any doubt as to whether the assessment was ever levied, and let us see some of the instruments with which they have worked.

The Clerk read as follows:

[Speech of James Arkison, Fall River, Mass., chairman of the National Association of Letter Carriers, September, 1899.]

Now, brothers, in regard to the financial report read here by the secretary; it was misleading to a great many members. They charge so much to James Arkison, chairman of the legislative committee, and so much to Arkison again, and it is James Arkison all through the report; he is the fellow taking all the money. Let me say to you, we do not see anybody else on that committee, or anything else that is shown in the expenses. One man has got to take the burden, and I am the man who takes it. And whatever you do, if you will stand by the man you elect, the officers and the legislative committee, if any men of this country are brought in to help to do your work, all the expense will be charged to the chairman of the legislative committee; there will be no other person.

If at this convention every man voted that I should disclose the names of the men who have assisted us in legislation, I would not do it for the whole convention. The expense of the committee for the year has been $4,650, and that is less than it has been for the last seven or eight years.

* * * * * * *

This slandering of the national officers has got to stop, or somebody will be brought up with a very short turn. There is a limit to it. I stand ready to face any branch in the country, the officials of the departments, the Supreme Court, or injunctions; but when you trust any work to me and the convention votes for it, I will carry it out under the direction of the officers; and if they say carry it out in secret, all the men in this country can not get me to say anything. They can kick me out. That is all they can do.

Mr. WM. ALDEN SMITH. Does this gentleman belong to the Letter Carriers' Association now?

Mr. LOUD. I will admit that he is not now a member of the legislative committee of the Letter Carriers' Association. I do not know whether he is a carrier or not. And yet Mr. Parsons and this gentleman were continued in office in 1899 after that exposé. They were reelected, I believe, again in 1900, and in 1901, when it was discovered that this legislation had not been accomplished, Mr. Parsons was thrown to the rear, and a new deal was had, and, in my opinion, lack of success more than anything else was the cause of his downfall. Yet let me state that their per capita tax was increased to $2 a man. This legislative fund at that time was abolished, and all of the money went into one fund.

Mr. WM. ALDEN SMITH. Right at that point I think it is due to state, if the gentleman knows, whether the same methods that he condemns and everybody of sense condemns are applied to-day in any way, shape, or form. I do not understand that they are, and if they are not, give them credit for it.

Mr. LOUD. These are very difficult subjects to deal with. I will not make a statement one way or the other. The gentleman from Michigan does not deny any longer that this assessment was levied?

Mr. WM. ALDEN SMITH. No; but I never heard of it before.

Mr. LOUD. Now, I hold in my hand the protest of Branch No. 24, of Los Angeles, and they deserve credit for it. By the way, some one borrowed the one I had. I thought I put it in a safe

place, and I got this one by sending some distance for it. They say:

NATIONAL ASSOCIATION OF LETTER CARRIERS, BRANCH NO. 24,
Los Angeles, Cal., June 7, 1899.

To all branches and members of the National Association of Letter Carriers of the United States, greeting:

In accordance with a series of resolutions passed by Branch No. 24, of Los Angeles, Cal., at the last regular monthly meeting, held June 3, a committee was appointed, whose names are appended hereto, who were instructed to draft an address to all other branches, setting forth the action of this branch in reference to the recent assessment of $10 per capita levied on the membership by the president of the association and the executive board thereof.

* * * * * * *

This assessment, if paid, will aggregate between $120,000 and $150,000, and on and after September 1 next would be at the absolute call and disposal of the executive board, none of whom are under bonds for the safe custody and proper disposition of so large a fund. As we have no legitimate and proper use for so large a sum of money, it would obviously be unwise and unsafe to invite extravagance, corruption, and dishonesty by placing such a sum at the absolute disposal of an irresponsible board of officials—the more so as the national convention will meet in Scranton, Pa., a few days after the assessment becomes due and payable and at the disposal of the executive board. This convention, it may safely be assumed, are much more competent to decide as to advisability of the accumulation of so large a sum than the president and executive board, whose services as officers of the association may terminate at that time.

This branch has reason to believe that the proceeds of $10 per capita assessment are intended to be used corruptly and illegally in influencing Congressional legislation in our favor. The address given here by the vice-president confirms us in this opinion. His address was an argument in favor of using any methods to effect our purpose, that bribery and corruption were universal, and that the use of money liberally was absolutely essential to the securing of legislation in our behalf; that such men as—

I will not mention the names of these people, because they are now living—

were successful men, their prestige not affected unfavorably by their peculiar methods of "doing politics."

We can readily believe that those born and brought up in an atmosphere of political rottenness and corruption such as obtains in New York City and San Francisco should take that view of it.

* * * * * * *

It is already known through an Associated Press dispatch that the Chicago carriers, under the potent influence of the president of the Letter Carriers' Association, have "enthusiastically" voted to raise $200,000 as a fund to be used in effecting legislation to "increase their salaries," the fund to be placed in the hands of the board of trustees who are to "engineer the scheme," as the press dispatch expressed it.

This is a very interesting document.

Mr. PEARRE. May I ask the gentleman whether he lives at San Francisco? [Laughter.]

Mr. LOUD. Oh, yes; that is my home, and the gentleman knew it. I will make this statement, however, which I did not care to make, that the president of the Letter Carriers' Association did say to me that "if this bill is reported from your committee I will enter into an agreement that it shall not be considered at this session of Congress." Now, as to whether they are using these things politically for themselves or not I will leave the gentleman to determine. They elect this fall a president for two years.

Mr. WM. ALDEN SMITH. They are not the only people who postpone important legislation.

Mr. LOUD. Now, then, in conclusion, let me say again that the letter carriers, as a class, receive more net dollars per year than either railway mail clerks, post-office clerks, third or fourth class postmasters, or any class of skilled mechanics. Railway mail clerks' salaries were reduced in 1885, the trend of salaries of post-office clerks being also downward from 1885 to 1897. The Post-Office Department recommended that some action be taken looking to an increase of their salaries, and Congress has responded year by year, but they have not yet reached the scale of the letter carriers, who have never yet received a favorable recommendation from the Department for an increase.

The salaries of all third and fourth class postmasters were reduced 33⅓ per cent in 1885, when postage was reduced from 3 to 2 cents, and no action has yet been taken looking to an increase.

I will not attempt to say whether Congress should increase all along the line the salaries of Government employees who are now annually receiving 25 per cent more than men in like or similar positions in civil life, but I have no hesitation in saying that if action is taken it should be along the whole line, an action that will put all post-office employees upon the same plane, considering, of course, the character and grade of work performed by each.

I can not too strongly condemn a system of compulsory promotions under authority of statute, such as the letter carriers now have, as tending to destroy the efficiency of the postal service. Hope is the guiding star of civilization. Take from man the hope of doing better by his own personal effort and you remove civilization, advancement, and happiness. [Applause.]

Mr. LIVINGSTON. I yield one hour to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON of Tennessee. Mr. Chairman, nearly seven long months have come and gone into the silent past since the present Congress assembled. Now, as we near the close of the session it is eminently proper that some one should review its acts of omission and commission and present to the country a kind of balance sheet of its doings. I regret that some one better qualified than myself has not undertaken to make this accounting.

At the outset I desire to say that it is a source of congratulation at this time to all Democrats, and should be to the whole country, that the Democratic party is now more united, and there is more harmony in its ranks, not only in Congress, but throughout the Union, than at any time within the past eight years. While this is true, there is more of discord and a greater want of harmony in the dominant party in Congress and out of Congress than has existed in that organization for a long period.

It must be borne in mind that the Republican party is now, and has been for nearly six years, in the absolute and supreme control of the Government in all its branches and departments. That is to say, it has had the President and the complete control of both branches of Congress since early in 1897. The power given to a political party by the people of this Republic when, by an affirmative vote, they place it into the full control of the affairs of the country is very vast, almost beyond realization. This vote of power carries with it immense duties and responsibilities. To obtain it platforms are adopted and pledges solemnly and publicly given by the political parties to the electors who make and unmake administrations.

It is therefore never out of place to call upon the party in power for an accounting as to the mode and manner of its execution of the high trust with which it stands solemnly charged. I purpose in the remarks I am now to submit to make some inquiry into the trusteeship of the dominant party for the past six years, and to call upon it for an accounting as to its administration of government.

I admit that I do not make the investigation as a member of the party or the trust now in charge of the government or even as a political friend and ally of the dominant party, but it is better, probably, for the investigation that I am not in partnership with them. A proper investigation can not well be made by a member of that party. Reforms are not usually brought about when conducted within a political organization, and I am here to insist that reforms, radical and far-reaching in their nature and effect, are imperatively demanded.

The party in power was intrusted by the people at the election in 1896 with full governmental control upon express promises given by the party prior to the election. They can not complain if they are asked to be held to a strict fulfillment of those pledges, and if it be shown that they have been derelict in keeping and observing them that they should receive the condemnation which their infidelity to them merits.

In order that there may be no misunderstanding or mistake as to the issue to be joined by myself as against the party in power, I charge at the outset that its record during the past six years is spotted all over with the indelible leprosy of faithlessness to its pledges made to a confiding constituency. It has inexcusably failed in some instances to do what it promised and pledged itself to do if given power, and it has done things it should not have done and for which it should be discredited and voted out of power by the American people. I will endeavor to enumerate some of its violated platform and other pledges solemnly made in order to obtain the reins of government, but for want of time will not be able to refer to all of them.

For some reason we are now, to-day, confronted by a peculiar and novel condition of affairs in Congress in respect to the unfulfilled promises of the party of reasonable trade concessions to Cuba. These concessions they have bound themselves to give that island. Because of discord in the ranks of this party, and a rebellion on the part of certain of its members in this body and in another body not necessary to mention against its trained leaders, these promises and pledges are unredeemed, and the urgent recommendations of the President and the entire Administration to redeem them are disregarded and set at naught.

Mr. TAWNEY. Will the gentleman state when and by whom those pledges were made?

Mr. RICHARDSON of Tennessee. Yes; I will. As I stated, the President has, first in his annual message and then in a special message within the last few days, reminded the party and the country of those pledges.

Inspired by patriotic motives, this side of the House went to the relief of the dominant party and assisted in passing through this body the measure to give trade concessions to Cuba, but we did not do this until there was placed upon it a proper amendment repealing the differential duty on sugar. This amendment injuriously affects the sugar trust, and for this, or some other reason,

deponent sayeth not what, the Republican party refuses to pass the measure and keep its promises and maintain good faith toward Cuba.

In 1896 the party pledged itself to save the country if possible from the gold standard, and reiterated assurances and pledges it had given in its national platforms of 1884, 1888, and 1892 that the party was in favor of bimetallism. It promised with an audacity unparalleled that if intrusted by the people with power it would promote international bimetallism. It totally and ingloriously violated this promise, and instead thereof proceeded to enact legislation committing the country to the single gold standard.

They passed what they called the gold-standard act March 14, 1900, and whether this policy was right or wrong, wise or unwise, I am not now inquiring; I am only saying it was a palpable violation of ante-election pledges. To enact that legislation after obtaining power upon the strength of pledges and promises in direct opposition to that policy was a base violation of the trust committed to their hands and was the building by that party of an enduring monument to its own perfidy and unfaithfulness. The passage of that currency act was in flagrant violation of all their former professions and ante-election pledges, and no election frauds or stuffing of ballot boxes in Philadelphia or elsewhere in all this land is of grosser immorality and more truly deserves the just condemnation of a betrayed people.

In its platform of 1900, when again asking for power and place, it pledged itself to the principles of the gold standard, which it declared it had set up and established in the act of March, 1900, and yet when the battle was on and the conflict was raging between the two great parties that same year, it declared through its chosen chief financial officer and mouthpiece, the Secretary of the Treasury, and many other lesser lights, that the gold-standard act was not safely on the statute books, and that unless he, or someone like unto himself, was kept in his office by a Republican President, that that standard was insecure, and that its blessings might not be enjoyed and made perpetual.

Although they had arrogantly boasted in their platform and on the hustings that "the parity of all our money and the stability of our currency on a gold basis had been secured," this Secretary of the Treasury and other leaders of his party brazenly announced to the voters and the country that "the parity of all the money had not been assured, and that the stability of all the currency on the gold basis" could be destroyed by a Presidential order.

If this latter statement was true, the real financial situation had hardly been changed or modified by the currency act of March, 1900, and thus this boasted act of Congress was proclaimed by the party itself to be a hollow mockery, and must have been passed either to deceive the country or it was evidence of the lack of ability of the party to enact intelligent legislation. They are left to take either horn of the dilemma. The argument made by the Secretary of the Treasury and other leaders of their party again beguiled the sovereign people, and a further lease of political power was given the dominant party.

The scarecrow of some Presidential order overturning the gold-standard act was held up on every stump throughout the campaign, and fervid appeals were made to capitalists, and indeed to all classes, to once more give the dominant party power that this defect, or alleged defect, discovered by the astute Secretary of the Treasury, in the currency act might be corrected and the country saved from irretrievable misfortune and disaster.

It was, therefore, most natural to expect that when the opportunity was again given to the dominant party to cure the alleged defect in the law and an opportunity be given to place the stability of the gold standard beyond the power of destruction by Executive or Presidential orders, that no time would be lost by them in the enactment of such legislation. They promised that if power be continued in their hands, that the gold standard and the parity of all our money would be conclusively established.

Yet when the Congress, Republican in both branches, assembled in December, 1900, just subsequent to the election of that year, although their promise and pledge to cure the defects in the law mentioned were fresh in their minds and in the minds of the American people, they permitted that session of Congress to close without any effort to amend the currency law. And so again, this session of Congress convened on the first Monday of December last, and although we are now near its close, not one line of remedial or alleged remedial legislation of the currency act of 1900 has been enacted. If any such remedial or amendatory act has been considered by the dominant party, or even introduced into Congress, it has been permitted to sleep unnoticed by the powers that be.

The conclusion is therefore inevitable that the party discredits their great financial oracle, the late Secretary of the Treasury, and gives no weight to his alarming prophecy of disaster to the business interests of the country in the event of defeat to that organization. In consideration of these facts and the light of history, may we not charge that when the party, through its Secretary of the Treasury, sounded the alarm I have mentioned, and assumed to rally the people around the financial saviors of the country, his party was simply building another monument, not this time one of perfidy, but one of its twin sister, hypocrisy.

Not having witnessed since the last election any effort to enact legislation to place the gold standard and the parity and stability of all our money beyond the power of Executive disturbance, we may safely assume that in the next campaign we will not be told that there is any danger to be apprehended or injury to come to the country or its business interests from this source, no matter what may be the result of the election. But I will here dismiss this subject.

If I were called upon to name the agency or factor in American affairs at this time most dangerous to our institutions and threatening to their permanency, I would name the trusts. This may seem on casual thought to be an exaggerated statement, but I verily believe it is true. Some idea of the magnitude and extent of the trust business in our country may be had from a recent statement made by James J. Hill, in an address to the Illinois Manufacturers' Association. In this address he said that the capitalization of 183 American corporations, commonly called trusts, is, in round numbers, $5,000,000,000.

I have in my possession a printed list of these combinations which shows that there are more than 290 of them in this country. I believe this list is reliable, and it further shows that the capitalization of these corporations amounts to over $10,000,000,000. If we accept the more conservative of these two statements—that is, that the capitalization of the trusts amounts to $5,000,000,000—it is difficult for one to realize what is meant by the statement. It means that the capitalization of these concerns exceeds the total stock of money of the United States by $2,000,000,000, of Great Britain by nearly $3,000,000,000, and of Germany by about $4,000,000,000.

In other words, the total stock or capitalization of these 183 concerns, accepting Mr. Hill's statement, is more than the entire stock of money of the United States, Great Britain, and Germany combined. It is almost impossible to overstate or exaggerate the immense and almost limitless power they can exert in the forum of politics, in the marts of trade, and in social life. It should be borne in mind, too, that they constitute a new element in our trade and business operations and experience.

That they are a factor to be feared, and one that imperatively demands the strong hand of the Federal Government for control can not be denied, but must be apparent to all persons. If one doubted this, that doubt could be removed when he is reminded that one of these trusts has the power, and only recently exercised it, of extorting more than $1,000,000 in a single month from the consumers of one article of food over and above what would ordinarily have been taken from them, and that of prime necessity to them, in one city of our country.

This was done in Philadelphia, as was freely charged in the newspapers of that city, by an arbitrary raising of the price of beef, and when the state and condition of the meat market did not justify or warrant such increase in price. This is only a single specimen of what they can do, and are doing all the time and everywhere throughout the land. Other instances might be given, but time will not permit. A striking illustration of their marvelous influence and power will be found by consulting the price lists of to-day.

It will be seen from these lists that scores and hundreds of articles, the products of highly protected manufactures in this country, manipulated and controlled by the trust, are made and transported to foreign countries, all freights, duties, and other expenses paid there, where they are sold daily in the foreign market at prices considerably lower than those demanded and received from our home consumers in our home markets. I am not here demanding that these organizations shall be totally suppressed and destroyed by Congressional legislation. It may come to that later in our history. At present there comes up from every village and hamlet of this broad land an irrepressible cry for their government and control.

Congress alone can answer this cry and afford the desired relief. And why should they not be subjected to the domination and control of the Government? If they are not curbed and restrained in their oppressive and heartless commercial greed they will in time absorb all the wealth of the country and defy the power of the Government itself. They do not hesitate even now to make the boast that the life of the public man will be promptly taken by them if he has the temerity to attack them or to raise his voice against them. It can not be successfully denied that they are potent in politics.

I have already said they were of recent origin. This is true, as they were never heard of in our fair and happy land until it was afflicted with the highest protective tariff law ever known in any

land or among any people. That this tariff is their mother we have the sworn testimony of many of their chief beneficiaries. These trust magnates, under oath, freely admit the parentage of the high protective tariff, and confess that without its benignant nursing and coddling they could not exist and would rapidly perish.

I said a moment ago that they were almost all-powerful in politics, and it is charged that they dominate and control the party in power. The strong arm of the Federal Government alone can govern them and stay their progress and stop their intolerable greed and prevent their cruel supremacy in all our markets. Will the Government stretch forth its restraining hand and do these things? What is the Government? At present it is a Republican President, with a Senate and House of Representatives with a large Republican majority in each body.

The power, and the power alone to save, is with the President and the Congress. The appeal for relief is made by a suffering people, but that appeal goes unheeded and is treated not alone with sordid silence but with contemptuous and devilish disdain. When the conditions have become unbearable and fervid appeals crowd thick and fast upon that forum, which alone can afford relief, a deaf ear is turned and the comforting answer is made that we "should let well enough alone."

Let me ask, to whom is it well enough? Surely not to those in one city from whom $1,000,000 is extorted without cause for beef in a single month. The party in power has heretofore recognized, and do now recognize, the evils of which we complain. In its national platforms it solemnly declared against trusts. It sought and obtained power upon an express promise to give relief to the country from their rapacity and unholy greed. I charge here that it has been recreant to that promise and pledge. That there may be no answer made to this grave charge here expressed, that I am mistaken or that I misrepresent that party, I will quote the declaration made by it in its national convention two years ago. I quote literally from their last platform the following words:

> We condemn all conspiracies and combinations intended to restrict business, to create monopolies, to limit production, or to control prices, and favor such legislation as will effectively restrain and prevent all such abuses, protect and promote competition, and secure the rights of producers, laborers, and all who are engaged in industries and commerce.

The language is, "We condemn all conspiracies and combinations intended to restrict business." This is a plain and simple declaration, but we have no evidence that it was made in sincerity. What they condemn in the words just quoted is exactly what these trusts do every day, and for which complaint is made. Who can remedy the complaint? The party alone which so severely condemns it in words.

If their condemnation was sincere why have they not legislated, and why do they not now legislate, to put a stop to these conspiracies and combinations intended to restrict and which do so effectively restrict business. The Republican party alone can apply the remedy, and although that party has been in the supreme and absolute control of all the branches of the Government for more than five years they have not within that time passed a line of legislation to put a stop to the great evil complained of.

No friend or apologist of the trust will deny that they create monopolies, limit productions, and control prices. If for these things they are condemned by the Republican party and by the whole people, I again ask, Why is the remedy not applied? The same platform declared that the Republican party "favored such legislation as would effectually restrain and prevent all such abuses." I again ask if this declaration was true? Was it not simply an ante-election declaration, made alone for the purpose of obtaining votes, and with no intention of enacting restraining legislation?

Again, that platform declared "that the Republican party favored such legislation as would protect and promote competition and secure the rights of producers, laborers, and all who are engaged in industry and commerce." Beautiful words and beautiful sentiment. But instead of being real and full of meaning, they can only be interpreted in the light of experience, as a tinkling cymbal and as sounding brass.

What has the Republican party ever done to remedy the trust evil. The reply comes glibly from some partisan of that party that in 1890 it placed on the statute books the Sherman antitrust law. Is that law sufficient? Why, under that statute these combinations have grown up like mushrooms in a dark cellar. That law has not put out of existence the trusts which had then been formed, nor has it prevented their enormous growth and increase in numbers. It is glaringly defective in its provisions, and should long since have been properly amended.

That act, however, provides for criminal prosecution of those engaged in these unlawful combinations. How many people have been indicted or punished under that law in the twelve years of its existence? How many trusts have been put out of existence by its operations? If it is defective, why has it not been amended and made effectual? Not a line has been added to this act of 1890 by the dominant party, though, as stated, it has been for a long time in the supreme control of the Government, and during which period these concerns have enormously multiplied.

Seeing that they had nothing to fear from Congress, and that no real efforts to stop the robbery of the trusts were being made, they have gone along in the broad open daylight with their nefarious work until nearly all the business of the people has been organized into monopolies and combinations, and the prices of commodities have been fictitiously forced upward to the consumers to the point of ruin, and billions of fictitious capitalization or watered stock in mighty companies have been enabled thereby to realize splendid dividends wrung from a helpless people for the necessary articles that enter into their daily cost of living.

I have referred to the abnormal condition in the meat market, brought about by the machinations of the trusts, and the exorbitant price to which they lifted the price of beef a few months ago. The claim was falsely set up by the trusts as a justification for this outrage that it was due to "the scarcity of cattle." To show conclusively that this was untrue and that there was no foundation for the defense they were falsely making, I call attention to the real facts as to the exports of meat products from this country at the very time they were making the claim that there was a scarcity of cattle here.

The Treasury export tables recently issued show that for the month of March, 1902, the United States exported meat as follows:

Fresh beef	$2,272,759
Salted or cured beef	315,900
Canned beef	465,284
Fresh and salted pork	1,037,572
Hams	2,061,932
Bacon	2,585,610
Total	8,739,357

This table shows that nearly $9,000,000 worth of American meats were sent abroad in the month of March, so that it appears that during this month, according to the contention of the beef trust, there was such a scarcity of cattle that it became necessary to advance the prices of meat to prices that were prohibitory to thousands and tens of thousands of families, and yet it could easily ship out of this country this enormous quantity of meat.

The facts show that the trust shipped this meat to Great Britain and other countries and sold it in their retail markets, and at prices considerably below the prices demanded from home consumers. The price list shows that on April 30 last American beef was selling in London at 14 cents a pound, which was 10 cents lower than the New York price for the same class of beef at that date, and yet Congress enacts no remedial legislation.

The result of the conspiracy to exact tribute from the people upon the beef they were compelled to buy, as shown by the market reports, has been a large falling off in its consumption. The consumers of beef have been compelled to resort to substitutes therefor, but the relief obtained in this way was only temporary, for forthwith the substitutes were cornered and their prices at once raised to exorbitant figures. Some persons resorted to poultry and eggs, but by a well-organized monopoly the retailers who dealt in chickens were forced to pay for them as high as 50 cents per pound.

The fresh eggs which formerly filled the market places now find their way into refrigerator cars and cold-storage depots until consumers are forced to pay the trusts and monopolies higher prices for their daily supply of stale poultry and eggs than ever before in our history. Monopolies like those which were granted by the Crown in France and in England three centuries ago, and which were finally consumed in the heat of popular rage and indignation, are now self-existent in this free country, and they virtually divide every man's beefsteak with him by cutting down the amount of it which he can buy for a dollar.

Conspiracies to raise the prices of the necessaries of life have been crimes at the common law in England for more than two hundred years. It is to be doubted if any European monarch could long maintain his seat on his throne if he allowed a grasping and heartless monopoly like the beef trust to put his people on an allowance of food as our own people are on an allowance to-day.

If the people continue to submit to the existing state of things by continuing the trusts in power in this Government, and fail to make a change in their servants at the ballot box, it would prove that they deserve their fate, and that they ought to be compelled to endure the evils of these combinations. It is absolutely sure that no remedy against the evils of monopoly will be furnished by the monopolists. It is also true that no forms of law can be placed on the statute book which will restrain trusts

so long as the execution of these laws is left in the hands of the trusts.

If we would remedy these bad conditions the appeal for relief must be made, not to the trusts and monopolies, nor to any political party which they can control. The appeal will lie and must be made to the masses of the people who, in their every-day lives, feel the heavy hand of the trust upon their means of subsistence. It must be made to those who realize that the rise in the price of meat, cruelly made by the trusts, is theft from the poor man's dinner plate at home and from his dinner pail when he is at work.

The efficient and natural remedies for the unbearable evils complained of are of comparative easy application. There are two remedies for such evils. The one is through the tariff law and the other through governmental control. It is not necessary to resort to absolute free trade. Nor is it necessary to demand or require a total destruction of corporations. In very many instances corporations are necessary and beneficial agencies of activity, and serve to develop industrial exercise and many business interests. But being the creatures of the sovereign—that is, the artificial person created by law—the sovereign, the creator, may impose the conditions of their existence and place due and proper limits upon their operations. It is not their total destruction or prohibition that is demanded, but their control and government, so that, while being protected and fostered by the Government, neither it nor the people shall be injuriously affected by them.

In 1890, now twelve years ago, it was discovered that the power of the trusts was becoming so great that there should be some restraint placed upon them by Congress, and as a result the act known as the "Sherman antitrust law" was passed. I have already referred to this act. It has failed in its purpose. The necessity for its amendment is apparent and admitted, and yet it has not been amended by the Republican party. The subject was considered, and amendments to that law making it effectual were considered in the last Congress, which, as stated, was Republican in both branches, when the defects in the Sherman Act were fully pointed out and made clear.

The amendments curing the defects and the omissions in that act were then conclusively shown. No one contended that the Sherman Act was sufficient to accomplish the end desired, and no one controverted the fact that the bill then before Congress amending that act, and which was fully considered by the House, if enacted into law, would give relief to the people from the wicked oppression of these trusts.

The mockery and farce of the consideration of the bill for relief was gone through with, and although the people were unanimously in favor of its enactment and their representatives nearly so, it was put to sleep by the dominant party who controlled the Congress. Its passage was defeated by the Republican party. In the meantime "combinations and conspiracies intended to restrict business" have multiplied in number like the locusts of Egypt. The end of this session of Congress, Republican in both branches, is in sight, and yet no measure of relief has been passed or even considered.

Even the efforts put forth by the party in power in the last Congress to pass a repressive measure has not been repeated during this Congress, and it is now too late. Our friends on the other side appear to be paralyzed by their fear of the trust power and influence. They cry out in their dismay and ask, Is not the President and the Attorney-General endeavoring to restrain the trusts by an action in the courts?

This is true, but at the same time they know and admit that the present law under which the President is proceeding is not strong enough, and that the relief desired can not come to the people through the one action against the one beef trust. Congress, as I have repeatedly stated, must enact other legislation, but action is not taken. While the masses are crying for relief, the dominant party is overcome with apathy. They are overtaken with a kind of legislative lethargy, and they are content to make the effort to substitute a dose of Executive strenuosity for Congressional ennui.

In other words, they seem to hope that Presidential perseverance will atone for their absence of legislative energy and activity. Measures to control and govern trusts are pending now in the committees of this House, which if reported by the majority, composed of Republicans in every committee, and taken up and passed would afford speedy relief, if supplemented by the second remedy I would suggest—namely, the reforming, revising, and reduction of the rates of duty prescribed in the present tariff laws.

One of the measures of relief to which I refer is a bill introduced by myself into this Congress amendatory of the Sherman antitrust law. This bill is almost identical in its provision to that passed by the House during the last Congress, and which the Republican majority in that Congress refused to enact in the law, although they permitted it to be passed by the House. This bill is H. R. 14947, and is entitled "A bill to amend an act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890."

As I have already stated, it was believed when this bill was pending before this body, in the last Congress, that if passed it would give relief to the country from the grinding exactions of the trust. We have tendered it again to the majority in this House, and earnestly ask for its consideration and passage at their hands. To the enactment of this or a measure similar in its provision every member on this side of the Chamber stands solemnly committed. We will to-day, and at any hour, give unanimous consent for its passage. Enact this measure into law, and make some reasonable and fair reduction of the rates of duty prescribed in the present tariff law, and I confidently believe no intelligent man would contend that a most effectual check, if not the total suppression of trusts and monopolies, would speedily follow. Beyond all peradventure their power to do evil would be greatly reduced.

The claim is made, however, that the tariff must only be reformed by its friends. Do they not control all the branches of the Government? Their utter failure to reform it shows that the reformation can not be left altogether to its friends. One might as well expect the wolf and the fox to reform themselves and give up their passion for the lamb and the fowl and become respectable and well-behaved denizens of the farm and poultry yard as to expect the ravenous and greedy beneficiaries of high protection to voluntarily surrender any portion of their benefits under the law, or to assist in any reformation of protective rates that reduced their profits.

But I repeat what I stated a little while ago, that it is not necessary to resort to absolute free trade or even to a radical or far-reaching reduction of tariff rates. Time and again during this session of Congress the opportunity has been given the majority party in this House to enact moderate measures that would have afforded immense relief to the country Another one of these relief measures which I had the honor to introduce into this House and which could have been considered on any day of the session that the majority might name is a measure to which I will now call attention.

Even now unanimous consent would be cheerfully given by this side of the House for its consideration. [Applause.] When the opportunity was offered for its consideration in the House, such consideration was refused by the Republican majority. The measure to which I refer is very simple in its provisions, but that it would be effective I believe can not be controverted. That measure provided:

> That when it is shown to the satisfaction of the President and Secretary of the Treasury that articles and commodities are manufactured and controlled or produced in the United States by a trust or trusts, the importation of such articles and commodities from foreign countries shall be free of duty until, in the opinion of the President and Secretary of the Treasury, such manufacture, control, or production shall have ceased.

The proposed measure contained the further provision:

> That when it is shown to the satisfaction of the President and Secretary of the Treasury that any article or commodity which is manufactured in the United States is sold in a foreign country more cheaply than the price at which the same article or commodity is sold in the United States the rate of duty on such article or commodity shall be reduced by the President and Secretary of the Treasury 50 per cent of the present rate, or to such extent as to prevent the continuance of such irregularity and injustice, and remove the indirect tariff bounty which promotes the same.

If it be true, as I have already contended and as has been admitted by many of the beneficiaries of the trusts, that the high protective tariff under which we now live is the mother of trusts, then it can not be denied that if the measures I have mentioned, brief and simple as they are, were placed upon the statute books many of the opportunities that the trusts now avail themselves of to oppress the people and to wring from them exorbitant prices for the absolute necessaries of life would be largely removed if not altogether destroyed.

I can not undertake to mention at this time all the combinations afflicting the body politic, but I do at this point mention one which is among the most unjust and oppressive of all of them. It is the steel trust. This monopoly has become so obnoxious and offensive that even one great leader of the Republicans, Mr. BABCOCK, of Wisconsin, has been constrained by the pressure upon him at home to introduce into this House a measure to give some relief to the people from its exorbitant and iniquitous exactions.

And allow me to inquire when that gentleman, forced as he was to seek some measure of relief, in what direction did he turn? In other words, what relief measure did he propose? Naturally enough, and not strange to say, it was a bill to reduce the tariff on the items of steel and iron and the products thereof as set forth in the metal schedule of the Dingley tariff law. Allow me further to inquire why it is that when a Republican can no longer withstand the pressure upon him by his own people for relief from the burdens imposed unnecessarily upon them by these monopolies

and trusts that the answer to that demand, if met at all, is met by an effort to reduce tariff rates?

It must be because they know that the high protective tariff is the cause of the oppression. Their action in all such cases show more conclusively than if admitted in a hundred declarations that they know that the fountain of their woes is the tariff law. When they can not longer persuade or cajole the voter to sit still and be bled by the beneficiaries of high protection, they seek to satisfy them by the introduction of relief measures reducing the tariff, and they too often pretend that they are earnestly supporting such measures while they let them slumber and die in the pigeon holes of their committee rooms, the morgue of many meritorious measures.

The Republican authors of these measures then return to their too-confiding constituents and meekly claim that they did all they could to obtain relief for them; that they presented the proper bills and had them referred to the appropriate committees, but that under the rules of the House they could not get them considered. They do not tell them that they assisted in making the very rules which prevented the consideration of their measures and that they made them for the express purpose of preventing the consideration of such measures. They not only make the rules, but they enforce them against themselves most rigidly, and yet they return to their outraged constituents and appeal to them to be pacified, and tell them fanciful stories to satisfy them that they had done all in their power to pass their relief measures.

The pressure for some relief from the oppressiveness of the high tariff has become great in many portions of the country, and it has not infrequently found vent even in the conventions that nominate Republican candidates for Congress. Some of these conventions have only recently passed resolutions solemly instructing the nominees to support tariff-reform bills.

And yet, I am sorry to say, after accepting these nominations and winning their seats on this floor by a mock support of the platforms and resolutions upon which they were nominated, they utterly and totally disregard their instructions and ante-election promises. And when the opportunity is often given to them to keep and perform their pledges and vote for the measures of relief demanded by their people and their platforms, they straight forget what manner of men they are, and either vote directly against the measures or evade the issue by having them declared out of order when called up by others under the rules of the House.

To demonstrate clearly that I am not exaggerating this matter, or drawing upon my imagination for facts, I will read to the House a resolution adopted in a nominating convention held not long since:

Resolved, That we favor a revision of the tariff without unreasonable delay which will place upon the free list every article and product controlled by any monopoly, and such other articles and products as are beyond the need of protection.

I am sure that there are gentlemen on this floor who, on hearing this resolution read, would promptly say that it came from some Democratic convention and that it meant the disturbance of business and the utter ruin of the country. It is not out of place for me to call attention to the similiarity of this resolution to the relief measures I quoted a little while ago, introduced into this Congress by myself, and which, I said, if enacted into law would greatly benefit the country.

Can it be true that the placing of such an act on the statute books would bring disaster to our business interests. This resolution was unanimously adopted in a Republican convention in the now Republican State of Wisconsin. It was the convention in the district represented on this floor by Mr. JENKINS, who for several years has been an honored member of this House. It was further declared in that convention that the country had outgrown protection and did not now need high protective rates.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I should like to conclude.

Mr. LIVINGSTON. How much time does the gentleman require?

Mr. RICHARDSON of Tennessee. I think I could get through in twenty or twenty-five minutes.

Mr. LIVINGSTON. I have only got thirty minutes.

Several MEMBERS. Let him have the time.

Mr. RICHARDSON of Tennessee. I would like to conclude. The nominee accepted the nomination on the resolution I have read, and we welcome him into the rank of tariff reformers. We know and recognize his great ability, and we shall watch with much interest the display of his talents and ability in behalf of tariff reform and reduction whenever the opportunity is offered, and may we not give expression to the hope and confident belief that he will lend us his aid in making an occasion and an opportunity for such a reform and revision?

This gentleman has a distinguished colleague who entered the ranks of the tariff reformers shortly ahead of him. I allude to the chairman of the Republican national Congressional committee, Mr. BABCOCK. On a former day of this session, while engaged in debate, it gave me pleasure to quote the instructions given to him by nominating conventions in his district. The platform made for him by his constituents was very similar to that made for his colleague, Mr. JENKINS.

But the constituents of Mr. BABCOCK have gone even further, and in order that there might be no mistake or misunderstanding as to their wishes they instructed him to support a certain specific reform measure named by them. It is the measure reforming the metal schedule of the Dingly tariff law and reducing the high rates on all iron and steel products.

This measure the gentleman himself had introduced into the House, and lest he might forget to help it along his confiding constituents thought it necessary to beg him to support it. He introduced the bill into the last as well as into this Congress, but I give away no secret when I announce here and now that the records of this House and of the committee to which the measure was referred, and of which the gentleman is himself a member, utterly fails to show that he has ever been desperate in his efforts to have the bill considered either by the committee or by the House itself.

It is not out of place at this late day of the session for the inquiry to be made of him why he has permitted this great relief measure to sleep so quietly in the committee files. In behalf of the people of his district, for whom I now make the inquiry, let me ask why its rest has been so undisturbed, and why he has shown so much complacency in the contemplation of its deathlike slumber? It is a fact which has been published in the daily press throughout the country that every Democratic member of the Ways and Means Committee, in season and out of season, has demanded its consideration.

On April 18 last an opportunity was afforded the House to pass the measure of the gentleman, when it was offered as an amendment to a bill then pending, and which was about to be voted upon. The gentleman from Wisconsin did not then raise his voice in behalf of his own offspring, but hoping that I might have the encouragement and support of that gentleman in an honest effort to pass the measure for which his people were crying and for which they were demanding his efforts, I offered it myself as an amendment to the then pending bill.

No voice came from Wisconsin to help me in my humble efforts to have his pet measure considered. By a timely invoking of the Republican rules of this Republican House by a Republican member my efforts failed, and the people of Wisconsin and other States and communities, overburdened and oppressed by the rates of duty fixed in the metal schedule of the Dingley law, are left to their unhappy fate.

On a former day of this session, when a measure was pending before the House dealing with the revenue laws, efforts were made to enact some of the measures I have mentioned—revising and reducing the tariff rates as now fixed by law—but in every case such efforts failed because the Republican majority voted solidly against every such proposition.

The Democratic party has stood for years as one man urging and demanding the passage of simple measures of relief from tariff taxation. In caucus, and on this floor through its members, authorized to speak for it, it has sought to have considered measures that would reform the customs law, and correct some of its glaring and gross inequalities, but without avail. And now, while we know we can not successfully resist the adjournment of this body, I state here and now that we are not only willing, but anxious to take up at once and consider some of the just and reasonable relief bills I have mentioned, indeed all of them, and we will agree to postpone the day of adjournment until they are finally disposed of.

Let me say, however, the war for tariff reform has reached even higher quarters than those already mentioned by me. The distinguished Speaker of this House has been directly charged in his own State in the public press with "pursuing an opposition and obstruction course in the question of making minor but very desirable readjustments of tariff schedules."

The Speaker was forced to meet this charge, and I hold in my hand a letter written by him on February 6 last to Mr. Funk, who is an ex-speaker of the house of representatives of Iowa, and which letter was published in the papers of that State. In this letter he sets forth his views upon tariff legislation and some other questions. From this published letter—and having been given to the press, it is not out of place to comment upon it here—I quote the following words, namely:

Now, in regard to my position, you have accepted the lies sent out by the press, which is being manipulated in the interest of free trade with Cuba.

Of course I do not know what there was to justify the Speaker in using such strong Democratic language when he made the plain charge that lies on him were being sent out by the press, which he said was being manipulated in the interest of free trade with Cuba. From recent developments it would seem that possibly

the Government itself was particeps criminis in this using of the press about that time in the interest of the reduction of tariff rates to Cuba. These developments assuredly acquit the Democratic party, however, of being guilty of sending out the aforesaid lies. But let all that pass.

It appears that the main charge made against the Speaker of this House out in Iowa was that he was opposing and obstructing the revision and reduction of the rates of duty in some of the tariff schedules. Defending himself from that charge, the Speaker, in his letter of reply, used the following language. I quote him in full, that there may be no mistake or misrepresentation as to his position. He says:

> The third proposition is a revision of the tariff. You may not be aware that under the rules of the House we would be able undoubtedly to pass a bill that might touch a very few items, putting some on the free list or reducing, but while under the rules of the House this might be accomplished, the Senate has no such rules, and there it would probably broaden out into a general revision of the tariff. That all of us dread and fear the consequences of. For instance, I think that we could safely make a reduction on the steel schedule, and a very wise reduction, but there are gentlemen in the Senate who say that while they live that can not be done because of the present law enabling them to sell, even at a loss, to take possession of the foreign markets, and that this is a blessing to the laboring men and extends the commerce and power of the United States into the Old World.
>
> It is not long since the tariff was reduced, and by its friends. Of course conditions are changing year by year, but to say that to reach a few schedules like steel and glass, which I would like to see done, we are warranted in opening up a general revision of tariff laws, I can not see that it is a wise thing to do, and there are very few exceptions in either House of Congress to this view. You know how very emphatically the President pronounced against it in his message to Congress.
>
> You say that I do not know the feeling and the storm that is brewing. I do not understand the situation, probably, you say.

It may be that there was some statement in the letter of his correspondent, Mr. Funk, that provoked our Speaker to the point of losing his equanimity of temper. I do not know what all of the contents of Mr. Funk's letter were, but from a sentence in the Speaker's reply one can easily see and understand that there was at least one highly significant expression used by Mr. Funk, and we may be justified in the conclusion that this was the real provocation to the Speaker. He said to his correspondent, "You say that I do not know the feeling and the storm that is brewing; that I do not understand the situation, probably," etc.

Was it because the Speaker was informed of the unpleasant fact that this storm was brewing in the great Northwest and elsewhere throughout the land that he apparently forgot himself and gave way to this slight manifestation of temper? It will be seen, however, that in his defense the Speaker confessed that it would be wise to revise and reduce some of the schedules of the tariff law, and he proceeded to enumerate them.

This confession having been made most solemnly, why have we not in wisdom made the revision? This concession of the Speaker that the tariff law should be revised is of the extremest significance and importance. It is exactly the contention made by every gentleman on this side of the Chamber. Then, I repeat, why is it we can have no revision? This inquiry stands unanswered in any satisfactory manner. If any answer at all is vouchsafed and any reason given for nonaction on the part of the majority, then the country has the right to pass judgment upon the answer and the reason assigned and determine whether or not they are satisfactory and sufficient.

The Speaker gives the reason, and it is not out of place for me to examine his reason for a moment. He says "that under the rules of the House of Representatives we would be able, undoubtedly, to pass a bill that might touch a very few items, putting some on the free list or reducing; but while under the rules of the House this might be accomplished, the Senate has no such rule, and there it would probably broaden out into a general revision of the tariff. That all of us dread and fear the consequences of."

And thus it is apparent that no revision can be entered upon, although its wisdom is admitted, for the simple reason that the Senate of the United States can not be trusted to make the revision. If it were not unparliamentary in this presence to utter the words and apply them to our coordinate branch of the Congress, I would say poor old Senate.

Many sins of omission and commission have been laid at thy door, but none, perhaps, so grave and so disparaging as to be told from such a source that you can not be trusted to legislate when legislation is demanded and when wisdom requires it. The reason for nonaction having been given from this high source in the dominant party, by one who is authorized to speak for its action and policy, and by one who by virtue of the exalted position he occupies exerts such a commanding influence, it is proper to ask, Is that reason sufficient? Will the country be content with it?

Why can not the Senate be trusted to legislate upon this subject? It is well known that that body has a Republican majority of about twenty-five members. Is it possible that this Republican majority is not to be trusted to legislate upon the tariff? They are trusted under the Constitution to legislate upon all questions coming before Congress. I deny that the reason given for the failure to make confessedly wise and judicious reductions in tariff rates, so urgently demanded throughout the country, is sufficient.

I deny that it is true. I believe that the Senate can be trusted, and I do not believe the country will be satisfied with the reason assigned. Time will not suffice for me to enumerate and point out while on the floor at this time all the broken platform pledges and promises of the majority party. I will mention, however, with brief comment, only a portion of them.

In the national platform of 1900 they declared that if given power again they would enact legislation that would enable the United States to recover our former place among the trade-carrying fleets of the world. They declared that they recognized the fact that we depended upon the foreign shipping for nine-tenths of our foreign carrying, and that this inflicted great loss to the industry of this country.

And yet, if we ask what they have done to recover our former place in carrying trade to foreign lands, the reply is absolutely nothing. What measure do they propose that will have the effect to restore this trade? No one can tell. Are they themselves agreed in Congress upon any such measure? By no means. When the Democratic party controlled the destinies of this country and wrote its laws American ships did the carrying trade of the world, and her masts and banners whitened every sea and were familiar objects at every trade depot on the globe. [Applause on the Democratic side.]

Since the policies of the Republican party have been in force American ships have disappeared from the seas and are almost unknown, and the flag, as the signal of a growing and conquering commerce, has almost disappeared from the ocean. Instead of the flag of trade, and of a broadening and extending commerce, we have grown to worship the flag of war, bloodshed, and even of criminal aggrandizement. I find also in that platform a declaration in favor of home rule, and the early admission to statehood of the Territories of Arizona, New Mexico, and Oklahoma. Yet they are still Territories, and they have knocked in vain for admission to statehood.

Again they declared in their platform in favor of an isthmian canal, which the Democratic party most earnestly favored. Notwithstanding their declaration, the dominant party so controls the situation as to prevent, up to this date, the passage of any measure providing for such a canal.

They declared in favor of the creation of a department of commerce and industry, to be in charge of a secretary with a seat in the Cabinet. This promise and pledge they have failed to keep and make good.

I shall not discuss the foreign policy of the Republican party for want of time. That policy, I say without reservation, has been one of unredeemed promises, of violation of all of the traditions of our Republic, of the improper, unlawful, and scandalous misappropriation and misuse of public moneys, and, upon the whole, a permanent increase of our annual appropriation and expenditures that is wholly inexcusable and unjustifiable.

The total appropriations for all purposes for the support of the Government in all its branches for the year 1898 amounted to:

1898	$485,002,044.72
1899	893,231,615.55
An increase of over $408,000,000.	
1900	674,981,022.29
An increase over that of 1898 of $189,000,000.	
1901	710,150,862.88
An increase over that of 1898 of $225,000,000.	
1902	730,338,575.99
An increase of $245,000,000.	

Thus these four years since the Spanish war show an increase—not total appropriations—over and above the appropriations of 1898 of ten hundred and sixty-seven millions of dollars; more than a billion of dollars of increase! So that if we were to assume that without the Spanish-American war the appropriations would have been about the same, or a reasonable increase, we show that when you take the amount for 1898 there has been an increase in the four years of more than a billion of dollars. And we have no promise that they will grow less.

Mr. Chairman, what have we to show for this immense increase in public expenditures? I will not undertake myself to answer the question, but I shall briefly read to you an answer made by a Republican Senator as to the assets we have accumulated. This is the answer, only slightly changed by me, which he gives for what we have obtained by this colossal increase in our expenditures of more than a billion dollars in four years:

> We repealed the Declaration of Independence. We changed the Monroe doctrine from a doctrine of eternal righteousness and justice, resting on the consent of the governed, to a doctrine of brutal selfishness, looking only to our own advantage. We crushed the only republic in Asia. We made war on the only Christian people in the East. We converted a war of glory to a war of shame. We vulgarized the American flag. We introduced perfidy into the practice of war. We inflicted torture on unarmed men to extort confession. We put children to death. We established reconcentrado camps. We devastated provinces. We baffled the aspirations of a people for liberty.

So says Senator HOAR. [Prolonged applause on the Democratic side.]

Mr. LIVINGSTON. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has six minutes.

Mr. LIVINGSTON. I yield that time to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman, I wish to submit a few remarks upon the subject of reform in the civil service, and incidentally I may touch upon some other matters which I think proper for the consideration of Congress at this particular juncture. There are a number of measures in the hands of the Committee on Reform in the Civil Service which, if passed, would have a tendency to materially promote the protection of the rights of the veterans of the civil war in the public service—bills that I believe ought to pass. But so far the majority of that committee have not seemed to be disposed to give Congress an opportunity to act upon them, although I trust they will before this session comes to a close.

I do not wish to pose as the special champion of civil-service reform in this House. I was appointed upon the committee having charge of that especial class of legislation without any solicitation upon my part. I believe that a certain responsibility rests upon me, both as a member of the Civil Service Committee and of this House, to inform Congress of any infraction of the laws or rules which might have a tendency to destroy the discipline of the public service in any department of the Government.

I believe there has been a serious violation of the letter and spirit of the laws of the civil service in the summary dismissal of Miss Rebecca J. Taylor from the classified service in the War Department, and I shall not be deterred in what I shall say because the principal actor in this assault upon the integrity of the civil service is the Secretary of War, who, in my judgment, as the head of a great Department, should have guarded it as the very chiefest jewel in his treasury, or because the immediate victim of its violation is an example of American womanhood dependent upon her own labor for her support.

I make no pretense of being a civil-service reformer; in fact, I have but little use for reformers in general, but I am a believer in fair play; that so long as the laws and rules of the civil service remain in force and effect they ought to be observed with absolute impartiality, and that the head of a great department is as much subject to the limitations which those laws and rules prescribe for him as is the humblest woman in the employ of his department. [Applause on the Democratic side.] I also believe that no matter how exalted or how lowly the position which we hold under the Government, yet we are all its servants; that from the highest to the lowest, whether man or woman, we all stand equal before the laws and before the rules.

None of us so high that we are above the control and regulation of the law, and I hope no one so lowly as to be beneath its protection and support. We are all subject to free and open criticism of our actions and policies and the administration of our respective duties. The civil-service law was enacted and the various rules upon that subject were promulgated by different Presidents from Mr. Arthur down to Mr. McKinley, because it was believed to be in the interests of the public service to protect Government employees from unwarranted interference for political advantage or partisan purposes, and especially to protect them in unrestrained freedom of political and religious thought and expression.

All the constructions of the courts, the messages of the Presidents, and the reports of the Commissioners from time to time show this to be the case. In order to make the rights of the employees under the civil service absolutely certain and secure against all possibility of doubt or misconstruction, President McKinley, in 1896, promulgated section 8 of rule 2, which expressly declared that before a person could be discharged by a department chief, the employee was entitled to have the reasons and cause for such discharge stated in writing, to have three days to reply, and to have the reasons and cause for such discharge and the reply made a part of the record.

That rule stands as the law to-day, although on June 4 President Roosevelt approved a somewhat marvelous modification of that rule, but the essential provisions which I have mentioned were not repealed in the order of June 4 and still remain in force and effect. I believe that under President McKinley's rule and the modifications made in it by the rule approved by President Roosevelt, and according to the evidence furnished by the War Department itself, Miss Taylor was illegally discharged from the employment of the Government. What is the history of this case?

On May 27 the Secretary of War directed that Miss Taylor be asked if she acknowledged the authorship of an article criticising the political policy of the Administration in its conduct of affairs in the Philippine Islands, and her attention was invited to section 8, civil-service rule 2, stating that the provisions of that rule provided that she should have three days in which to file her answer, but the provisions of this rule also specifically state that she is entitled to a written statement of what the particular charge alleged against her consists.

In answer to this letter, which was referred to her, she replied on May 28 that no statement of the cause or reasons had been furnished in compliance with the plain provisions of section 8 of rule 2 and therefore she had not been furnished the conditions upon which to base a statement; that when this was done she would be glad to avail herself of the privilege of replying to the same. On May 29 the President approved a civil-service order which attempted to construe that portion of President McKinley's order referring to cause or reasons of dismissal and stating that nothing in the rule should be construed so as to require an examination or any trial or hearing except in the discretion of the officer making the removal.

In fact, this order, which some have thought was issued to confound this woman and to make possible her official decapitation without it being subjected to unseemly trial and consideration, only makes her position more tenable, as it expressly construes what President McKinley's rule only might be construed by inference to mean—that political or religious expressions are not just reasons for dismissal from the classified civil service.

Why is this case so important? Because it raises the question of just how far one surrenders the right of expression of religious or political opinions to the dictation of officers in the Government whom political accidents may have placed in power. The distinguished Senator from Ohio and chairman of the Republican national committee is reported in the public press as stating this question with his usual terseness, boldness, and good sense when, in commenting upon the reported objection of a member of this House to alleged interference of Federal employees in political affairs in the city of Cleveland, Ohio, he declared that the question was just how far one surrenders his citizenship when he takes employment in the service of the United States.

What privilege that you and I enjoy is to be denied to them? I know it has been charged or insinuated that the President has taken especial interest in this case and attempted to modify the rule so far as to deny to this American woman some of the rights or privileges to which she was entitled under President McKinley's order, so that the manner of her taking off might be more expeditious and more certain, but I can not believe that. I would have to change every idea and opinion that I have formed of our President if I was to believe it.

From all I have read of him I have always believed that he stood for the honor and dignity of American manhood, and especially that he was a representative of Western courage and Western ideas. I know that he won fame and fortune and the Presidency because he enlisted a regiment of Western plainsmen and gave to that regiment a name borrowed from the posters of a Western showman—"the Congress of the Rough Riders of the World;" that he rode into the office of governor of New York as a rough rider, and that Western votes and influence nominated him for Vice-President at the Philadelphia convention; and I believe that he must depend upon Western votes and influence if he is nominated for the Presidency in 1904. But Western men do not war upon women. [Applause on the Democratic side.]

No man from the country where the real rough riders ride would be guilty of changing the rules of a game in order to win the place or injure the reputation of a woman struggling to honestly maintain herself. I do not believe the President had in mind the case of Miss Taylor when he approved the rule to modify the order of President McKinley. It is repugnant to my ideas of American manhood. I believe the President has been misinformed in this case, if brought to his attention at all, and that when it is brought to him in its true status he will order that this woman shall have justice done her and have every opportunity to defend herself, for the very reason that the charge against her is criticism of himself.

I will not believe that any subordinate in the War Department whom, if he should do so—I should hope, for the honor of American manhood and the American Army, that he should remain forever nameless—would be guilty of attempting to have issued an order that would deny any right to an American woman to which she was entitled prior to the issuance of that order and while she was standing before a great department of this Government asking for justice at its hands.

I have only this much more to say upon this subject: If the civil service is to become, as members upon this floor have frequently charged it with being, a plaything and football for politicians for partisan advantage, we ought to have the courage to strike the whole thing from the statute books and return to the old system of piracy and plunder, and to the doctrine that to the victor belongs the spoils, or else do that thing which in my judgment it is our duty to this Government to do, to enact a law so plain in its provisions that he who runs may read, and make it what President McKinley intended his order to be, a bulwark and

shield for defenseless men and women in the employ of this Government against political injustice and oppression. [Applause.]

But, Mr. Chairman, while commenting upon the difficulty that I have experienced in this particular case in obtaining information from the War Department, I will submit some remarks upon the tardiness and reluctance with which that Department has furnished the legislative branch of this Government information for its guidance upon questions affecting the public welfare and to which we are justly entitled as representatives of the people. You will remember that at the commencement of this Congress almost the first bill reported to this House was one to fix the tariff rates between the United States and the Philippine Islands.

The bill recommended and indorsed by the Administration fixed the entire Dingley rate of duty and was so passed by this House, but no sooner was the bill passed than we were informed that the War Department had in its possession a recommendation from the Philippine Commission that the rates of duty between this country and the Philippines ought not to exceed 50 per cent of the rates established by the Dingley bill; and this House had the humiliation of having that bill go over to the Senate to be there reduced in part in compliance with that recommendation and returned to us, and we swallowed it down with a consequent loss of prestige and reputation of the House of Representatives with the country. Again, in February last the head of the Army of the United States was quoted in the public press as stating that the war in the Philippine Islands was being conducted with unusual and marked severity and cruelty. Did the War Department give Congress and the country any information upon this subject? No.

It was constantly quoted as denying that there was any foundation for these charges, and rumors were flying thick and fast that the General of the Army was about to be retired because of circulating such a report. Again the Senate of the United States investigates the subject and brings to light that order issued by a general in command of our Army in the island of Samar which has brought the blush of shame to every American that loves the flag and the honor and glory of the Army that fights under it—that order to make a howling wilderness of that fertile island, slay all above 10 years of age—and that order impelled——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHALLENBERGER. I ask five minutes more to conclude my remarks.

The CHAIRMAN. The House has fixed the limit of debate, and all the time that now remains is under the control of the gentleman from Illinois. The gentleman from Illinois has thirteen minutes remaining.

Mr. LIVINGSTON. I ask unanimous consent that the gentleman may have leave to extend his remarks in the RECORD.

Mr. CANNON. I will yield of my thirteen minutes five minutes to the gentleman. [Loud applause.]

Mr. SHALLENBERGER. That order, Mr. Chairman, I remember, when it was published in the newspapers, impelled the distinguished gentleman from the great State of Pennsylvania to rise in his seat in this House and denounce in stronger language than I can use any who might be responsible for it, and to express the wish that the brave man at the other end of the avenue, in the White House, should not permit its author to disgrace the uniform of his country for twenty-four hours; but the gentleman from Pennsylvania should wish again, as I understand that up to date that general still wears the colors of his country. [Applause.]

Again only a week or so ago this House considered a request to the War Department asking information as to the expenditures of Governor-General Wood, an officer of the United States Army, acting as governor-general through appointment by the executive department—a coordinate branch of this government—as to his conduct and management of affairs in the island of Cuba during our military occupation. To that request the War Department made answer that this information could serve no good purpose, that there was nothing to tell, and that it was only a matter of salary, and that every expenditure of the War Department in the island of Cuba was entirely proper, and that we would be furnished information in good time.

Yet, what is the spectacle presented to the country? In just about a week following this answer, again the Senate, through an investigating committee, brought to light the astonishing fact that the governor-general of Cuba, an appointee of the President of the United States, responsible to the War Department and through it to the people, a man who has been highly honored by this country and by Congress, had taken over $8,000 of money taxed from the pockets of the people of Cuba and without their consent had placed it in a jackpot along with other thousands furnished by the American sugar trust [applause] and put it in the hands of a notorious promoter of legislation in this country to help in driving through Congress a bill which, in the opinion of a majority of the members of this House, was against the best interests of the American people, because a majority of them refused to support the bill subject to the purposes for which that money was expended, and yet they tell us that this is no infringement by a coordinate branch of this Government upon the dignity and privileges of this House; that this action is perfectly proper if, in the opinion of the War Department, it is in the best interests of the people of Cuba.

Great heavens, Mr. Chairman, no wonder the Democrats of this House are only able to overthrow Republican leadership about once a week if the Administration is to have, or has had, access to all the funds of the island of Cuba in order to promote through this House their Cuban legislation; and according to the same principles and same practices, so far as we can know, they have had all the funds of the insular department of the Philippines to promote and drive through this House their Philippine legislation, if in the opinion of the War Department or these military governors it is in the interest of the people of Cuba or the people of the Philippines. [Applause on the Democratic side.]

Where, I ask, do the interests of the people of the United States come in upon these questions? If there is anything that would make me believe the hour of imperialism has struck, it would be because military satraps from conquered colonies are to be permitted to expend the gold taken from their treasuries to promote legislation through the House of Representatives of the United States and to have the members of it sit silent and raise no voice against it. [Applause on the Democratic side.] I have searched through the history of our country and can find no instance that parallels this in its assault upon the dignity and freedom of the Congress of the United States.

Mr. Chairman, political prophecies are dangerous, but in my judgment the Republican party has dug its political grave in the islands of the sea, with the War Department as sexton in chief in this dim funereal business. Republicans, the Cuban question has already split your party in twain, and before you are through with it the Philippine question will blow the halves of your party so far apart that after the next Congressional election you will not be able to even find the pieces. The American people are studying these questions in a sober mood to-day.

The great heart of the nation is always right; it always beats for liberty and for justice. Sometimes it sleeps, and for a while the people may lie supine beneath assaults upon the dignity of their representatives, but they only bide their time. For when again they shall arise in their majesty and might, let those who would despoil the honor and reputation of this fair Republic beware, for no power on earth is more resistless, the very lightning of heaven no more swift to strike, no more sure in its aim, than is the judgment and just condemnation of a great and free people when once aroused. [Loud applause on the Democratic side.]

Mr. CANNON. Now, Mr. Chairman, in the eight minutes that are remaining to me I desire to say that I want to go on with this bill. I want to ask the members of the House to stay here until I finish it. It is necessary to finish it to-day, because to-morrow the insular bill comes up and runs for something near a week, during which time gentlemen will have full opportunity to talk, no doubt.

Mr. Chairman, I want to say one word before we commence to read the bill. I listened with care for almost an hour and a half to the remarks of the gentleman from Tennessee, the leader on the other side of the House, and after listening to him I am here to confess that on this side of the House, and I rather suspect on that side of the House, the millennium has not yet come. [Laughter.] We are not perfect and we do not claim to be. We pull the wagon and we do the work and you find the fault. You have been at that now for over a generation and still we have pulled along. [Laughter and applause on Republican side.]

Mr. RICHARDSON of Tennessee. I thought we helped you pass the great Administration measure through this Congress.

Mr. CANNON. I think we will pull it for a generation more, and still you scold. We can not help it. It does you good, and I do not think it hurts us. [Laughter and applause.]

Great God! Think of it. You had full power under Cleveland. You came in power partially, from time to time, but then you had full power. It is recent—from 1893 to 1897. Do you not wish you could blot out the recollection of the manner in which you exercised it? [Laughter and applause on the Republican side.] And for gall and cheek, with that recent performance, now, when we are doing the best we can—not perfect—meeting every obligation, the country prospering, passed through the war with honor, passed through the war with justice, solving the questions that grew out of that war, and solving them with courage, notwithstanding the criticism and the opposition of gentlemen of your party, still you scold. It is the way of the world. Go on; I do not think you can fool the people.

My friend from Nebraska [Mr. SHALLENBERGER] who has just

talked, is young and hopeful. By and by, when, politically speaking, he has tarried at Jericho until his beard has grown, he will not be so optimistic.

Now, in conclusion, let us move on. In a few days let us adjourn this Congress. We have nothing to apologize for. Peace and prosperity abound with us here and everywhere throughout our borders as never before in the history of civilization. Print your speeches, circulate them, go upon the stump. I will take my chance that when the silent ballot drops in November next you will march up to the same old defeat. [Laughter and applause on the Republican side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. KNAPP having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 17, 1902:

H. R. 351. An act granting an increase of pension to Robert Carpenter;

H. R. 1741. An act granting an increase of pension to Griffith Evans;

H. R. 2606. An act granting an increase of pension to Albert H. Steifenhofer;

H. R. 3241. An act granting an increase of pension to Hinkley G. Knights;

H. R. 3678. An act granting an increase of pension to John Washburn;

H. R. 3733. An act granting an increase of pension to Israel Haller;

H. R. 5273. An act granting an increase of pension to James Van Zant;

H. R. 5984. An act granting an increase of pension to William H. Van Riper;

H. R. 6030. An act granting an increase of pension to William G. De Garis;

H. R. 7076. An act granting an increase of pension to Leath Gilliland;

H. R. 7704. An act granting an increase of pension to Christianna Leach;

H. R. 8003. An act granting an increase of pension to Louisa M. McFarlane;

H. R. 8924. An act granting an increase of pension to George W. Mathews;

H. R. 11249. An act granting an increase of pension to Katharine Ranis Paul;

H. R. 11252. An act granting an increase of pension to Edwin M. Gowdey;

H. R. 11812. An act granting an increase of pension to Martin Boice;

H. R. 11831. An act granting an increase of pension to John W. Acker;

H. R. 13217. An act granting an increase of pension to Thomas W. Dodge;

H. R. 13398. An act granting an increase of pension to George G. Sabin;

H. R. 13450. An act granting an increase of pension to Henry Hunt;

H. R. 13613. An act granting an increase of pension to Charles G. Howard;

H. R. 14146. An act granting an increase of pension to John Murphy;

H. R. 14184. An act granting an increase of pension to Andrew J. Fogg; and

H. R. 14241. An act granting an increase of pension to Peter Dugan.

On June 18, 1902:

H. R. 5094. An act for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894; and

H. R. 11657. An act allowing the construction of a dam across the St. Lawrence River.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk, proceeding with the reading of the bill, read as follows:

To enable the Secretary of State to have the Great Seal of the United States recut, $1,250.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. The distinguished gentleman from Illinois [Mr. CANNON] alluded a minute ago to the fact that the Democratic party came into power in 1893, and trouble in our Treasury arose. I want to say that we did come into power then, and there and then inherited a deficit in the Treasury from a Republican Administration, President Benjamin Harrison's. Hence the Democrats had to issue bonds under a Democratic Administration and used the very bond plates which Charles Foster, Secretary of the Treasury under President Harrison, had ordered made and were made about ten days before the advent of the Cleveland Administration. [Applause.]

Mr. CANNON. Mr. Chairman, I want to say that there has been an hour and a half on the other side and less than an hour on this side devoted to politics. We have had our say, and I want to pass this bill, and I am going to ask the committee to stay with me until I do pass it, and in all kindness and courtesy, from this on, I shall make the point of order on any gentleman on either side of the House that does not discuss the amendment that is pending.

Mr. GAINES of Tennessee. Why, Mr. Chairman, I was not talking "politics." I was talking facts, and nothing but facts, and yet my distinguished friend from Illinois objects. [Applause on Democratic side.] Mr. Chairman, I have said all I desired to say.

The CHAIRMAN. The pro forma amendment of the gentleman from Tennessee will be withdrawn, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 13150. An act granting a pension to James B. Mahan.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 13204. An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DEBOE, Mr. BURTON, and Mr. GIBSON as conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the sundry civil appropriation bill (H. R. 13123) are authorized to consider and recommend the inclusion in said bill of necessary appropriations to carry out the several objects authorized in the "act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved June 6, 1902.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 6178. An act to amend section 4 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Miscellaneous expenses, Fish Commission," for the fiscal year 1900, $28.29.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 14, after line 7, insert:

"Patapsco River, light station, Maryland: The Secretary of the Treasury is hereby authorized to enter into a contract for the construction of said light station within the sums authorized by the acts of August 18, 1894, and June 10, 1902, relating to said light stations."

The amendment was agreed to.

The Clerk read as follows:

Territory of Alaska: For salaries of commissioners, at the rate of $1,000 per annum, whose terms of office extended into the fiscal year 1902, $1,000.

Mr. BARTLETT. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding, after the word "dollars," in line 23, page 15, the following:

"For reimbursement of Cuban revenues: To enable the Secretary of the Treasury to reimburse the revenues of the island of Cuba for the amount expended in said island by the Secretary of War from the revenues collected by the authorities of the United States during the occupancy of Cuba by the military forces of the United States, to military governor of said island, in excess of the salary of said officer as a brigadier-general in the United States Army, the sum of $25,500."

Mr. CANNON. Mr. Chairman, with great reluctance and with due respect to the gentleman who offers this amendment,

I am compelled to make a point of order against the amendment. There is no law authorizing it, and it is not germane.

Mr. BARTLETT. I could not hear, Mr. Chairman, what the gentleman said. Did he raise a point of order?

The CHAIRMAN. The gentleman raises a point of order against the amendment.

Mr. BARTLETT. I should like to hear the gentleman state the point of order. The mere raising of a point of order does not convey any suggestion as to the ground on which it has been raised.

Mr. CANNON. I will state the matter again. First, the amendment is not germane; second, it is not authorized by any law. I might say more, but that is enough.

Mr. BARTLETT. You can say all you desire. I hope you will not feel restrained by anything except parliamentary law and decency.

Mr. CANNON. That is enough.

Mr. BARTLETT. Mr. Chairman, I submit that this amendment is not in violation of any rule of the House, nor does it change existing law. I find that in the last general deficiency bill, to be found in Statutes at Large, volume 31, page 1015, there was inserted just at the end of the appropriations for the Treasury Department the provision I am about to read—and if it was offered as an amendment upon the general deficiency bill and accepted as such, then a similar amendment ought to be in order now upon this bill, which is a general deficiency bill.

Reimbursement of Cuban revenues: To enable the Secretary of the Treasury to reimburse the revenues of Cuba for the amount expended in said island in furnishing information to the Secretary of War, as directed by him, relating to receipts and expenditures in said island heretofore paid from said revenues, $15,786.91.

Further, Mr. Chairman, I beg to say that upon the sundry civil bill at the last session of Congress there was put an amendment authorizing the payment to the Cuban treasury out of the Treasury of the United States of the amount that Rathbone, Neely, and Reeves, the post-office officials appointed by the United States in Cuba, had stolen from the Cuban treasury, but the amendment was lost in conference. I have looked that matter up.

So that this House has on at least one occasion, the occasion I have recited, when the general deficiency bill was under consideration during the last session of the Fifty-sixth Congress, and also upon the sundry civil bill in March, 1901, inserted in the one case a provision which was enacted into law similar to that which I now offer to this bill, and in another case adopted a similar provision which failed in conference.

I submit, Mr. Chairman, that we are here making sundry appropriations to meet deficiencies in the appropriations for the service of the Government, and this proposition of mine is in line with one which the House thought proper to put upon the last general deficiency bill and which became a law, and with another which the House thought proper to put upon the sundry civil bill but which failed in conference.

Mr. Chairman, I do not think the gentleman from Illinois or any other member of Congress ought to rise in his place and object to this amendment upon a mere technicality, when it is an effort to induce Congress to restore to the treasury of the Cuban people, who have just struggled into national existence—whose independence we have aided in securing—money that has been illegitimately, illegally, and in violation of law taken by our Army officers while we occupied that island by our military forces.

Mr. CANNON. I must raise the point of order that the gentleman is not discussing the matter before the House.

Mr. BARTLETT. I am undertaking to do so; and if the Chair will say that I am not, I will yield to the decision with great pleasure.

The CHAIRMAN. The Chair must request the gentleman to confine himself to the point of order.

Mr. BARTLETT. I admit, Mr. Chairman, that in suggesting to the Chair the reasons why this amendment is in order I may have digressed. [Laughter on the Republican side.] Oh, gentlemen, I do not doubt that you desire to laugh this matter down, but it will not be laughed down. You have got to face it sooner or later, and you might as well face it now.

In the cases I have cited payments out of the Cuban treasury by American officers for purposes of our own have been repaid by appropriations upon the general deficiency bill.

I cite—and the gentleman from Illinois will not deny it, I apprehend—that upon the last general deficiency bill an appropriation, to which I call the attention of the House, of $15,786.91 was incorporated in the bill to pay back to the treasury of the Cuban people the amount which had been expended by our officials over there in furnishing to the Secretary of War information relative to receipts and expenditures in that island.

Now, if it were in place upon the last general deficiency bill—and I propose to put it on this general deficiency bill—of course I suggest that it is in order here. What law does it violate, Mr. Chairman? If we pay our debts, if we return to the Cuban treasury the amount that we have either legitimately or illegitimately paid out of that treasury for our own purposes, it will create a deficiency, and if the Secretary of the Treasury, in the administration of the affairs of those people by our military forces and our military governor and the other officers over there, has taken out of the treasury of these people moneys to be used for some object which may or may not be legitimate, then the United States is indebted to the Cuban people and to their treasury to the amount thus expended. And does it take any law for this Government to comply with its obligations in that regard?

I submit, Mr. Chairman, that there is no law which prohibits this amendment upon this bill in this place. I beg again to call the attention of the Chair to the fact that a like appropriation for like expenditures of money from the treasury of the Cuban people was placed in the last general deficiency bill, and I appeal to the gentleman from Illinois [Mr. CANNON] not to make the point of order, even if he believes it is proper to be sustained, because if we have taken the money of these people and paid it over to our officers, Mr. Chairman——

Mr. CANNON. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman from Illinois rises to a question of order.

Mr. CANNON. The gentleman is not discussing the point of order.

The CHAIRMAN. The point of order is well taken.

Mr. BARTLETT. Mr. Chairman, I have said all that I desire on the point of order, and I commend to the gentleman and to the country this continued effort on the part of that side of the House to smother all investigation of our dealings with the people of Cuba.

The CHAIRMAN. The Chair is ready to rule. The mere fact that a similar item was contained in some former appropriation bill does not, of course, make in order any particular item.

Mr. BARTLETT. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The gentleman from Georgia withdraws the amendment, if there be no objection.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Hereafter no act of Congress shall be construed to make an appropriation out of the Treasury of the United States unless such act shall, in specific terms, declare an appropriation to be made for the purpose or purposes specified in the act.

Mr. MADDOX. Mr. Chairman, I wish to reserve all points of order on that paragraph.

The CHAIRMAN. The gentleman from Georgia reserves the point of order.

Mr. MADDOX. I would like to hear some explanation from the gentleman from Illinois as to what that means.

Mr. CANNON. Mr. Chairman, I will state that it was put in there—and I will say to the gentleman that I think it is subject to the point of order—with the consent of the full committee reporting it to the House. The committee believes it to be good policy that the Congress should know when it made legislation making appropriations, and that they should be specifically made, not by construction of some accounting officer who has the last guess, and who, in my judgment, frequently errs in his guess as to whether words make an appropriation or not, but, as I say, specifically made. It is to enable the Congress, if it should be written into the law, to keep track of the appropriations and expenditures, leaving nothing to the construction. It is the desire of the committee that not a dollar shall be taken from the Treasury unless it be expressly appropriated.

Mr. LIVINGSTON. Mr. Chairman, may I suggest to my colleague that it follows almost the language of the Constitution, and therefore it can not be subject to a point of order.

Mr. MADDOX. I want to ask the gentleman if the acts of Congress have been abused or misconstrued so as to grant appropriations where none was intended?

Mr. CANNON. Well, I do not want to unnecessarily criticise anybody, but there have been some acts of Congress construed as appropriating money which I do not believe Congress intended to appropriate.

Mr. MADDOX. I want to say to the gentleman that if this paragraph is to serve any good purpose, I have no objection. I simply wanted an explanation of it, as I did not understand it. If the committee is unanimous in its opinion that this is a good law, I will withdraw the point of order.

Mr. LIVINGSTON. Mr. Chairman, I would like to say to my colleague that this can not serve any bad purpose, and we thought when we put it there it would serve a very good purpose.

Mr. MADDOX. I am inclined to think so, from the gentleman's explanation. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

At the Southern Branch at Hampton, Va.: For subsistence, including the same objects specified under this head in the sundry civil appropriation act, and for the fiscal year 1902, $10,000.

For household expenses, including the same objects specified under this head for the Central Branch in the sundry civil appropriation act for the fiscal year 1902, $6,000.

Mr. STEELE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 26, after line 21, insert:

"Marion Branch, at Marion, Ind.: For quartermaster and commissary storehouse and repairing old storehouse and constructing fireproof vaults therein for offices, $30,000."

Mr. BARTLETT. I should like to know whether there is any law authorizing this? If there is not, I reserve the point of order. I should like to hear the amendment reported again.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. BARTLETT. I reserve the point of order that there is no law authorizing this.

Mr. STEELE. There is a law authorizing the construction of all these Homes. This item was estimated for, but by an oversight was not sent to the committee in time to be inserted in the appropriation bill. There are no fireproof vaults there at all, and there are not adequate offices for the quartermaster and commissary, offices which have been created by law. These buildings are necessary for the public service to preserve the public records, and are estimated for.

Mr. CANNON. If the gentleman will allow me, I think I can make it plain. The gentleman called my attention to this matter before he offered it. I have no doubt that under the law the amendment is free from the point of order. The gentleman from Indiana [Mr. STEELE] is a member of the Board of Managers, and assures me that this appropriation is necessary for the service of this Home. For that reason I do not object to it.

Mr. LIVINGSTON. Has the gentleman any knowledge of any estimate properly sent up by the Department for this amount of money?

Mr. CANNON. The gentleman from Indiana assured me that the estimate had been made by the board.

Mr. LIVINGSTON. By the board?

Mr. CANNON. Yes.

Mr. LIVINGSTON. But does it come from the Treasury Department?

Mr. CANNON. I do not know whether it be a formal, legal estimate or not, but the estimate is not what gives the jurisdiction.

Mr. LIVINGSTON. I want to know whether the appropriation is necessary. If it is, it should be made. I am not discussing the point of order. I want to know whether the money is necessary. We can only know from a proper estimate.

Mr. STEELE. This is in amount less than has been asked for any other Homes.

Mr. LIVINGSTON. That may be true, but do they need the money?

Mr. STEELE. They need the money.

Mr. LIVINGSTON. Can you tell the House why they need it?

Mr. STEELE. They need it for the construction of these buildings that have been estimated for.

Mr. BARTLETT. I desire to ask the gentleman from Illinois what law there is authorizing these repairs and these new buildings?

Mr. CANNON. Oh, the law establishing the Branch Home at Marion, Ind.

Mr. BARTLETT. Then it comes under the rule that it is a continuing improvement?

Mr. CANNON. I have no doubt on earth that the law authorizes it, I will say to the gentleman.

Mr. BARTLETT. I make the point of order that there is no law authorizing this. Let the Chair decide it.

The CHAIRMAN. The Chair desires to know whether there is now a quartermaster's department at Marion?

Mr. STEELE. There is.

The CHAIRMAN. Where there are at present other buildings?

Mr. STEELE. At present the building that is used is entirely inadequate, and there are no quarters for the officers. It is intended to take the old building and convert it into officers' quarters and construct the necessary vaults therein to protect the public property, and to have a storehouse for storing quartermaster stores and commissary stores in that building.

Mr. LIVINGSTON. If the prior appropriation was a limited one, then this appropriation is not in order.

The CHAIRMAN. What the Chair desires to know is whether there is a plant there now for which this appropriation provides simply an enlargement and extension?

Mr. LIVINGSTON. In addition to that, I want to suggest that the former appropriation was a limited one, and that if so it requires legislation to extend it. If that is true, then the point of order is good against this amendment.

The CHAIRMAN. What the Chair desires to know is as to whether or not this case is on all fours, for instance, with the Naval Academy proposition, where the appropriation was held to be in order by the present occupant of the chair, out of deference, as he stated at the time, to prior decisions?

Mr. CANNON. The fact about it is this: Some time ago a law of Congress was enacted authorizing the construction of a Branch Home at Marion, Ind. The Home has been constructed, is occupied, has barracks, hospitals, and so forth, and so forth. Now, then, at this place no limitation was placed on the Branch Home at Marion whatever. This is to build an additional building as specified in the amendment.

Mr. BARTLETT. May I ask the gentleman from Illinois a question before the Chair rules? How can a proposition of this kind be in order on a deficiency bill? How do you get this on a deficiency bill? How is it germane on a deficiency bill?

Mr. CANNON. It is a general appropriation bill. The rule does not define what exact amendments shall go upon it.

Mr. BARTLETT. Just the will of the gentleman from Illinois.

Mr. CANNON. The will of the majority of the House, under the rules of the House.

The CHAIRMAN. The Chair held in a former Congress in reference to Annapolis Academy that an amendment providing for an additional building there was in order. The Chair stated at the time that he so held in deference to former decisions, not because he would have so held had it originally come before the present occupant of the chair. If there was no other question involved now than the question of the enlargement of the plant, the necessary enlargement, the Chair would be inclined to hold that it was in order, following the precedent established in the Naval Academy case and the cases upon which it was based. But the Chair is inclined to think that the suggestion and point made by the gentleman from Georgia, that it is not in order on a general deficiency bill, is well taken.

Mr. CANNON. Well, I trust the Chair will not make that ruling without examination, because it has been held the other way frequently. The gentleman from New York held the other way on a former occasion.

The CHAIRMAN. The Chair will see if he can find authority directly upon that.

Mr. LIVINGSTON. I would like to suggest, for the benefit of the Chair, that if an increase of salary was attempted in this bill the point of order would lie against it.

Mr. CANNON. Yes; if it was against the law.

The CHAIRMAN. Will the gentleman indicate to the Chair when the ruling was made to which he referred a moment ago? The Chair does not find it in the Digest.

Mr. CANNON. I am informed that in the last Congress, the gentleman from New York [Mr. PAYNE] in the chair, that ruling was made. But it is not necessary, if the Chair will indulge me for a single suggestion. If the Chair will take this bill, "A bill making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes"—now, then, if the Chair will examine the rule of the House that gives jurisdiction to the committee I think the Chair will not find anything that says exactly what shall go in the deficiency bill or upon the sundry civil appropriation bill.

Mr. LIVINGSTON. Mr. Chairman, I may say to the Chair that the title of the bill settles the question—"making appropriations to supply deficiencies in the appropriations for the fiscal year 1902." This appropriation is not a deficiency; it is not to be expended in 1902, as the gentleman from Illinois himself knows.

Mr. CANNON. And yet my friend stops and omits the words "and for prior years, and for other purposes." That is like unto the man who said he could prove by the Bible there is no God. "Well, prove it." 'Well," he says, "there is no God," and showed it in black and white. "Why," says his friend, "confound you; you have left out the first half of the sentence: 'The fool hath said in his heart, There is no God.'" [Laughter.]

Mr. LIVINGSTON. Well, Mr. Chairman, as the gentleman is playing upon words, I wish to say for his information that we have here the general expression "for deficiencies for the fiscal year." I do not care what the purpose is, it is absolutely to pay the expenses for this fiscal year.

Mr. BARTLETT. I desire to call the attention of the Chair to two decisions. I do not know whether they will add any force to what I have already said. I refer to page 455 of the Manual,

the cases found on pages 2713 and 2716 of the RECORD, second session of the Fifty-sixth Congress.

The payment of an unadjudicated claim, even if the amount be ascertained and transmitted by the head of an executive department, is not in order on a deficiency bill.

Now it might be good, but not on a general deficiency bill. Here is a claim against the Government transmitted; and if it had got votes enough it might have been appropriated for, but in that case they held that although transmitted it was not in order, because that was a deficiency bill. The following paragraph upon the same page of the Manual declares:

It is not in order to appropriate on the deficiency bill for an unadjudicated claim, even though it be transmitted to the House by an executive message.

Now, there is no law authorizing this. It is simply a construction of the law by reason of the fact that a building has been authorized that they can go on and extend it. It occurs to me that it is not in order upon this bill.

The CHAIRMAN. If the Chair may suggest to the gentleman from Illinois, it seems to him that in the preservation of harmony between the bills that this item in all fairness ought to be on the sundry civil bill and not on the general deficiency bill. The Chair is unable to find any ruling which holds one way or the other upon the proposition.

Mr. STEELE. Mr. Chairman, I withdraw the amendment.

Mr. UNDERWOOD. That has to be done by unanimous consent.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. I think there ought to be a ruling,

Mr. CANNON. I will say, so far as the ruling is concerned, I do not accept the ruling, notwithstanding the precedent cited for the ruling, and I think on a thorough discussion and a full examination of the authorities the amendment is in order; but as the gentleman is quite content to withdraw his amendment, I think probably that it may best go that way.

Mr. UNDERWOOD. I withdraw my objection.

Mr. LIVINGSTON. The ruling of the Chair is that it is out of order.

The CHAIRMAN. The Chair will sustain the last point of order raised by the gentleman from Georgia.

The Clerk read as follows:

The repeal of the supplementary acts amendatory of the act of March 3, 1899, enumerated in section 12 of the act of March 6, 1902, entitled "An act to provide for a permanent Census Office," shall not be construed to take effect until the termination of the temporary organization of the office as provided in the last-named act: *And provided further*, That the disbursing clerk of the Census Office may pay out of the census fund on June 30, 1902, to employees of the office who are not to be reappointed on July 1, for whatever leave of absence the Director of the Census may, in his discretion, allow them, not to exceed, however, the annual leave authorized by existing law; such payment to be in addition to the salary due them for services rendered to that date.

Mr. MADDOX. Mr. Chairman, upon that I reserve a point of order as to the latter part of that section.

Mr. CANNON. It is clearly subject to a point of order, but I apprehend that my friend, when he understands it, will not make it.

The CHAIRMAN. Does the gentleman from Georgia reserve his point of order?

Mr. MADDOX. I do.

Mr. CANNON. The gentleman from Georgia knows that a large number of clerks are going out of service on the 30th day of June at the Census Office. Now, many of them go out without having had their leave of absence which they have earned, and this is to enable the Director of the Census to pay them for the leave of absence which they have earned when they go out, and it can not exceed fifteen days.

Mr. MADDOX. Let me ask the gentleman. A number of employees have been discharged from time to time recently, and my understanding is that they have been allowed no leave of absence or even notice, but simply called up to the desk and paid off and discharged. Why is it, now, that these clerks who are to be discharged on the 30th are to be given leave of absence and paid for it, too?

Mr. LIVINGSTON. With the permission of the chairman of the committee, I want to suggest to the gentleman from Georgia that prior to January 1 they had all received their allowance, and wherever they did not take it they were paid for it. This is for the fiscal year, and every single person that has been discharged has had credit for a leave of absence—three days, ten days, or whatever amount it was. Now, then, on June 30, when the temporary organization ceases to exist and the permanent force comes into life, this simply authorizes the Director to do just what he has been doing—to give the people who have not been employed permanently their pro rata share of the annual leave. I hope the gentleman from Georgia will not object, for it is fair, right, and just that these clerks should have it. Those that have been turned out have had it, and those who are left ought to have it.

Mr. MADDOX. I want to ask the chairman of the committee again a question. What I am after is that these employees should all be treated alike and be treated fairly. Is it a fact that these men, who have been discharged from time to time recently, have enjoyed heretofore the leave of absence and been paid therefor?

Mr. CANNON. I am informed by gentlemen sitting around me that they have.

Mr. MADDOX. That is the reason they were not allowed leave of absence and paid?

Mr. CANNON. No; I understand they have had their leave of absence. Those that have been discharged have been allowed the leave of absence or paid for it if they have earned it. The gentleman will see at once that those who serve up to June 30 and go out of service entirely could not be granted a leave of absence. Those who went out on the 1st of June could be granted a leave, and, as I am informed, they have been granted ten days or fifteen days or whatever amount was due them. When they were discharged they were granted leave of absence equivalent to the number of days that was due them and paid for that number of days.

Mr. MADDOX. They are entitled under the law to thirty days in a year, and it is proposed in this bill to pay them for the thirty days that they would be entitled to.

Mr. CANNON. The proportion that they are entitled to.

Mr. MADDOX. That is exactly what I wanted to get at. I wanted to find out whether the employees were all being treated exactly alike and being treated fairly and honestly.

Mr. CANNON. Oh, yes.

Mr. MADDOX. If they are, then I withdraw the point of order.

Mr. CANNON. The gentleman from Georgia withdraws his point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

Salaries and expenses, United States courts, Indian Territory: For the payment of the salaries of the clerk, commissioner, and constables authorized by the act approved May 27, 1902, during the fiscal year 1903, and of the commissioners and constables authorized by this act, $16,200: *Provided*, That the judge for the western district of the Indian Territory shall be authorized and required to appoint two additional United States commissioners for said district and a constable for each of said commissioners; and the judge for the northern district of said Territory shall be authorized and required to appoint two additional United States commissioners for said district and a constable for each of said commissioners. Said commissioners and constables shall be located at places designated by said judges, respectively: *Provided*, That each of such judges may, in his discretion, require any commissioner appointed for his district whose headquarters are not permanently fixed by law to hold terms of court at more than one place, and in that case he shall fix the places and times of holding such terms and the length of each term. All laws applicable to the salaries, duties, powers, and responsibilities of other United States commissioners and constables in the Indian Territory shall be applicable to the commissioners and constables appointed under the provisions of this act. This proviso shall be in force from and after July 1, 1902.

Mr. BENTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 9, page 57, after the word "appoint," strike out the word "two" and insert "three;" and in line 12, page 57, after the word "appoint," strike out the word "two" and insert the word "three."

The amendment was agreed to.

Mr. BENTON. Now, Mr. Chairman, I have another amendment which I wish to offer.

The Clerk read as follows:

In line 15, page 57, after the word "at," strike out "places designated by said judges, respectively," and insert "Sapulpa, Okmulgee, and Waggoner in the western district, and Miami, Nowata, and Pryor Creek in the northern district."

Mr. CANNON. Mr. Chairman, I hope that amendment will not be agreed to.

Mr. BENTON. Mr. Chairman, I promised and intended to press this amendment, and to keep my pledge I have presented it. I now withdraw the amendment.

The CHAIRMAN. The gentleman from Missouri withdraws his amendment. Without objection, that will be done.

There was no objection.

The Clerk read as follows:

To pay Herman Gauss, for services as assistant clerk, by detail, to the Committee on Invalid Pensions, $750.

Mr. RICHARDSON of Tennessee. I offer the amendment which I send to the desk.

Amend by adding at the end of line 18, page 13, the words:

And to pay the difference between the salary of said messenger and $2,000 per annum from December 1, 1901, to July 1, 1902, $650.

The amendment was agreed to.

Mr. MADDOX. I move to strike out the last word, for the purpose of asking the chairman of the Committee on Appropriations to explain what is meant in the paragraph just read by the word "detail." Where was this man detailed from?

Mr. CANNON. I have no doubt he was detailed from the

Pension Office, and this paragraph has been inserted, I will say, by virtue of the following authority:

Resolved, That the Committee on Appropriations is hereby authorized to provide in the general appropriation bill for the payment to Herman Gauss of $750 for extra services rendered to the Committee on Invalid Pensions.
Attest:

A. McDOWELL, *Clerk*.

It will thus be seen that this has been put on by direction of the House.

Mr. MADDOX. Is that one of those resolutions that came from the Committee on Accounts and were passed by the House?

Mr. CANNON. I understand so. I have no doubt that is the case, because this is certified to the committee as being the action of the House.

Mr. RICHARDSON of Tennessee. I will say that that is correct. I have here the RECORD for May 28 of last year, page 6430.

Mr. MADDOX. I simply wanted to understand what was meant by "detail." I withdraw the pro forma amendment.

The Clerk read as follows:

To pay the four conductors of the elevators in the House wing of the Capitol the difference between the amounts received by them and the rate of $1,200 per annum for the fiscal years 1901 and 1902, $200 each; in all, $800.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 65, after line 2, insert the following:
"To pay the conductors of the elevator in the House wing of the old library space of the Capitol the difference between the amounts received by them and the rate of $1,200 per annum from March 5, 1901, to June 30, 1902, inclusive, as follows: R. E. Walker, $132.49; J. C. Duncan, $132.49; in all, $264.98.
"To pay John Douglas, for services as laborer in the Doorkeeper's department during the second session of the Fifty-sixth Congress, $116."

Mr. Chairman, in explanation of this amendment I will say that I hold in my hand certified copies of resolutions of the House.

Mr. MADDOX. They have been passed on heretofore.

Mr. CANNON. Yes; the same as in the other case.

Mr. MADDOX. How do they differ from the paragraph providing in general terms for conductors of the elevator without mentioning names?

Mr. CANNON. This is for the conductors of the elevator in the House wing of the old library space.

The amendment was agreed to.

Mr. RICHARDSON of Tennessee. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding after line 2, on page 65, the following words:
"To pay Albert Scott, for services as laborer for eighteen days, from December 2, 1901, to December 19, 1901, $36."

Mr. CANNON. I shall have to reserve a point of order on that.

Mr. RICHARDSON of Tennessee. I want to say to the gentleman from Illinois and to the committee that this colored boy, Albert Scott, was on the roll as a laborer in the last Congress and performed duty as such. When this Congress assembled, having been on the roll during the last Congress as a laborer, he commenced work in the same capacity the day Congress met—the 2d day of December. He did his work faithfully until the 19th day of that month, when a resolution drawn by myself was adopted by the House putting him upon the roll at $50 a month. In drawing that resolution I undertook to frame it so that it would pay him from the day Congress met, the day when he went to work, until the 19th, when the resolution placing him on the roll was adopted. It seems that the resolution as I drew it was not effectual to cover that period of time from the 2d to the 19th of the month. The Comptroller held that the resolution which we passed would be operative only from the day of its adoption, although this colored boy had been at work for 18 days previous.

This amendment of mine may be subject to a point of order. I have not introduced and sent to the Committee on Accounts a resolution for the purpose of paying this man the pitiful sum of $36. If, after this statement, the gentleman from Illinois, or any other gentleman, thinks that this poor colored boy ought not to be paid I am content to let the matter pass.

Mr. CANNON. I have no doubt he ought to be paid. But my friend from Tennessee, I presume, realizes the condition touching these payments. The Committee on Appropriations adopted a rule for this session and the future that it would relieve itself of the great pressure that has heretofore come to us constantly, to put on these appropriation bills provisions for extra pay; and we gave notice to the Committee on Accounts——

Mr. RICHARDSON of Tennessee. This is not a proposition for extra pay.

Mr. CANNON. Well, additional pay.

Mr. RICHARDSON of Tennessee. It is not additional pay. If I had drawn the resolution so as to accomplish what I had intended, it would have passed the House, and those eighteen days would have been covered. But it seems that the resolution as drawn by me was not effectual in the opinion of the Comptroller. I still think that the resolution provided for the pay of this man from the 2d day of December; but the Comptroller has held otherwise.

Now, I do not want to interrupt the gentleman from Illinois; I do not want to violate any rule that he and his committee have adopted, but in view of the fact that the amount involved is only $36 for this poor colored boy, and in view of the statement I have made, I ask unanimous consent that the amendment may be adopted.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the amendment be agreed to. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

The Clerk read as follows:

For compiling, under the direction of the House Committee on Printing, of the constitutions, with all amendments thereto, and of the organic acts and enabling acts of the several States and Territories of the United States, $2,000.

Mr. PAYNE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 65, line 4, strike out the word "Printing" and insert the word "Judiciary;" and in line 6 strike out the word "two" and insert the word "one."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. LOUDENSLAGER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding after line 7, page 65, the following:
"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and the House, borne on the annual and session rolls on the 1st day of June, 1902, including the Capitol police, the official reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-seventh Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

Mr. MADDOX. Mr. Chairman, on that I reserve the point of order.

Mr. LOUDENSLAGER. Mr. Chairman, I hope the gentleman will withhold his point of order.

The CHAIRMAN. The gentleman from Georgia reserves the point of order.

Mr. LOUDENSLAGER. Mr. Chairman, I wish to say that this may be subject to the point of order, but, in my judgment, it should hardly be made. This matter has been retained in the deficiency bill for many years, and is properly classed as an appropriation, because it has been running on for so long a time that the memory of man runneth not to the contrary. It has become the law and the precedent of the House more in the nature of an appropriation than of any new legislation, and beyond that, we have already in this act appropriated and voted money for certain employees of this House who perhaps are no more entitled to it than those who are provided for in this resolution, and the gentleman from Georgia inquired of the chairman of this committee but a few moments ago, when he raised a point of order, as to whether the sum appropriated provided equally for all of them, and upon the chairman's reply that it did, he then withdrew his point of order. I want to say now to the gentleman from Georgia that this also appropriates equally to all employees, and I hope the gentleman will not press his point of order.

Mr. MADDOX. May I ask the gentleman a question?

Mr. LOUDENSLAGER. Yes.

Mr. MADDOX. Whom have we provided for in this bill?

Mr. LOUDENSLAGER. Some employees of the Census Bureau. We have provided for the elevator men. We have provided for persons who have been attendant on this House.

Mr. MADDOX. Extra pay?

Mr. LOUDENSLAGER. Extra allowance.

Mr. MADDOX. There is nothing here, as I understand it, except that which has been passed by resolution of this House.

Mr. LOUDENSLAGER. I do not understand that those in the Census Bureau were passed by resolution of the House. Were they—I would inquire of the chairman of the committee, Mr. CANNON?

Mr. CANNON. No; the House took no action.

Mr. LOUDENSLAGER. This gives to all equally and alike, and I hope the gentleman will not press his point of order.

Mr. CANNON. They were not employed by the House.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to inquire of the gentleman if these employees are to remain a month after Congress adjourns? Wherein does the extra pay come in?

Mr. LOUDENSLAGER. This is simply an extra compensation for them for the work that they do. It has been in every deficiency bill.

Mr. GAINES of Tennessee. That they have been doing or that they will do?

Mr. LOUDENSLAGER. That they have been doing.

Mr. GAINES of Tennessee. The reason that I interrupted the gentleman was this: I know a lot of these laborers and employees have to stay here a long time after Congress adjourns and work, and I myself have returned nearly a month after Congress adjourned, and when I have come back I have found them working here at that time, and certainly a man ought to be paid for that kind of work.

Mr. LOUDENSLAGER. This is pay for that kind of work.

Mr. GAINES of Tennessee. Well, then, they ought to be paid because they do the work.

Mr. MADDOX. The gentleman says they ought to be paid for that kind of work if they stay here for thirty days. He is probably not aware of the fact that they are paid by the year, and that they will go home, probably, and stay six months, when they do nothing at all, and next year there will be nine months when they will not even strike a lick.

Now, I want to tell you what I think about this business. I have nothing against these employees, that is, some of them, to say the least of it. My judgment, however, is that we have three times as many employees as we need in this House right now. Probably I may be a little extravagant in that statement, but I will say that we have twice as many as we need.

Mr. LOUDENSLAGER. I do not believe the gentleman wishes to make a misstatement, and I desire to say to him that these employees are not all paid annually. Some of them are monthly employees for the session only.

Mr. MADDOX. This resolution covers all of them. It makes no distinction. Probably if it applied only to the session employees——

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Tennessee?

Mr. MADDOX. I will yield to the gentleman.

Mr. GAINES of Tennessee. I was not aware of the fact that they were employed by the year. I thought they were employed by the month, and if they remain here and work an extra month or an extra day, I think they ought to be paid for it.

Mr. MADDOX. It is not extra work nor an extra day. I want to state to this House that just before the adjournment at the last session we had something of a scandal in relation to extra pay for these employees of this House. The House passed a resolution to investigate these matters, and appointed a committee for that purpose. That committee reported to the House. The result of that report was that the Appropriations Committee undertook to pass a law by which they regulated the salary to be paid to each and every employee of this House. It was then understood that we were to have no more pay for extra services. Now, what is the extra month for except extra compensation? What does it mean? It means nothing else.

Now, do you want simply to make a present to these employees? My friend over there [Mr. LOUDENSLAGER] says that we have just provided an appropriation for the Census employees and that we ought to be fair. Those Census employees, as I understand from the chairman of the Committee on Appropriations, are entitled to thirty days leave of absence within twelve months, and it is the intention of these gentlemen to pay them for that leave, whatever it may be. If they have only seven days or five days or six days, they are to be paid for that.

Now, what is the condition with reference to the House employees? If we adjourn in a few days, they have from now until next December leave of absence, and after next March they will have until the following December leave of absence. The Census employees and the other employees in the departments have no such leave; and I take it for granted that these employees in the Census Department and other places work eight hours a day. I will guarantee that there are seventy-five or a hundred men in this House, now employed by the Government, who do not work an hour a day.

Now, Mr. Chairman, I want to say this much. I shall not assume the responsibility in this House to say, if you want to make to these gentleman a present of this extra month, that you can not do so. The responsibility is upon the party on that side of the House for the payment and expenditure of this money. I saw proper to reserve this point of order.

You appointed a committee. That committee was to be continued to investigate the employees of this House and to report thereon. That committee has had one meeting, in which it decided to adjourn subject to the call of the chairman. In other words, the committee decided to watch the operation of the law that had been passed to see what effect it would have. Up to this time we have had no other meeting.

In one sense the responsibility is upon that committee. I now put the gentlemen on the Appropriations Committee on notice that I have reserved the point of order. The responsibility is on you for the expenditure of this money. You can insist upon the point of order, if you want to. I shall not do so.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. CANNON. Mr. Chairman, just a single word. I did not make the point of order and I shall not make it, because the practice has been so long followed, and points of order have been so frequently overruled, that it is evidently the will of the House from year to year to give this extra month's salary, so that in point of fact it may be regarded as a part and parcel of the pay of the employees of the House.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey.

The amendment was agreed to.

The Clerk read as follows:

Refunding to States expenses incurred in raising volunteers as follows:

Mr. SIMS. Mr. Chairman, I wish to make the point of order to the rest of the items on this page, and I want to know whether I shall wait until it is read or make it now?

The CHAIRMAN. It can be made when the section is read.

Mr. SIMS. I want to make it as to each paragraph.

Mr. CANNON. I will ask unanimous consent that from line 11, on page 71, to and including line 24, of page 71, as they are on all fours, that they be read to that point, and that the gentleman may make his point of order to all of them.

Mr. SIMS. That is what I want.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. SIMS. Further, in case the point of order is not sustained, I wish to move to amend each of these items.

Mr. CANNON. I ask unanimous consent also as to that effect.

Mr. SIMS. That is satisfactory.

The CHAIRMAN. The gentleman asks unanimous consent that amendments may be offered to any line in the paragraph.

Mr. SIMS. Yes; that I may offer an amendment to each paragraph.

Mr. OLMSTED. One moment. Does that apply to the amendment of the gentleman only?

Mr. CANNON. To anybody.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

To the State of Indiana, $635,859.20
To the State of Iowa, $456,417.89.
To the State of Michigan, $382,167.62.
To the State of Ohio, $458,559.35.
To the State of Illinois, $1,005,129.29.

Mr. SIMS. Mr. Chairman, I make the point of order as to each of these appropriations, that they are not germane to this bill, being a deficiency bill. Each one is an original appropriation, and each of them should properly be referred by bills to the Committee on War Claims, and there are claims for each of these items before that committee undetermined. That is the point of order I wish to make—that they are not deficiency items, and that they are not properly on the deficiency bill.

Mr. CANNON. Mr. Chairman, in my judgment the point of order is not well taken. These are audited accounts for the payment of certain moneys that are due to certain States under the legislation of 1861 and 1862, and under additional legislation which I will read. Legislation approved February 14, 1902:

And the claims of like character.

That is, the items preceding. It was to refund to the States moneys that were expended by the States under the act of 1861, in furnishing troops and clothing them, etc., with which the Chair is no doubt familiar. We appropriated for these items to the State of Pennsylvania, Maine, Rhode Island, and the following legislation is found:

And claims of like character arising under the act of Congress of July 27, 1861 (12 Stat., p. 276), and joint resolution of March 8, 1862 (12 Stat., p. 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 U. S. Reports, p. 598), not heretofore allowed or heretofore disallowed by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and if deemed necessary shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers.

And then we have the act of 1862 for furnishing the troops and clothing them under that legislation. Then the act of last February, the reopening of the accounts, auditing the claims by the Auditor of the Treasury Department, as provided for in the law, and the certification of the claims as audited claims by the accounting officers of the Treasury, which I have before me, properly certified to Congress, referred by the Speaker to the committee, and now reported upon the deficiency bill as usual in all

audited accounts. It seems to me it is not subject to any point of order; if so, every other audited account is subject to the point of order, and could not go upon this bill or any other bill.

Mr. UNDERWOOD. Mr. Chairman, there is some objection on this side of the House to these claims, and for that reason I suppose my friend from Tennessee made the point of order. I state this simply to show reason, if the point of order is insisted on. As I understand, these are claims of States for money that they paid out to arm the troops during the war, and some of the States have been paid. For instance, New York has been fully paid. New York and the other States up to this time that have been paid have been paid for money that they expended and the interest thereon up to the date of payment. Now, in some of these States that we are appropriating for in this bill I understand that the State borrowed the money and issued bonds and the bonds are not matured.

Now, instead of taking the money out of their State treasury and levying the taxes on their people for that purpose they preferred to borrow it, and instead of borrowing it for a short time they borrowed it for a long time. Now, this appropriation, as I understand it, is not only to pay these States back the money that they have paid out and the interest up to the present day, as we would do any other creditor, but is to pay——

Mr. BINGHAM. That is wrong.

Mr. CANNON. The gentleman is in error. But I want to suggest to my friend that he is upon the merits of the matter and that a point of order is pending. I think there can be no doubt but what the point of order is not well taken.

Mr. UNDERWOOD. I do not agree with the gentleman. I think the point of order is well taken, and I am coming to that right now, if the House will allow me a moment. As I understand the proposition—of course that is a question open for discussion—more is being paid to these States than they have paid.

Mr. CANNON. On the contrary—we want to get at the very facts.

Mr. UNDERWOOD. Certainly.

Mr. CANNON. Exactly the same measure has been paid under this auditing to these States that was paid to the State of New York by the judgment of the Supreme Court of the United States.

Mr. UNDERWOOD. Well, from the information that I have, I will say that it is otherwise. When we come to the case on the floor, the gentleman may convince me that I am wrong. If I am convinced, I will have no objection to the States being paid what is actually due. But on the point of order these cases were all sent to the Court of Claims, like the Southern war claims, and like other claims where other cases are sent to the Court of Claims. For what purpose?

Mr. HEMENWAY. The gentleman is mistaken. These claims have not been sent to the Court of Claims at all. They are claims that were audited, and from the audit an appeal was taken to the Comptroller, properly decided by the Comptroller, and certified to Congress for appropriation. They have never been to the Court of Claims.

Mr. UNDERWOOD. Did not the law authorize them to go there?

Mr. HEMENWAY. They could have been sent there if there had been any question as to the facts, but there was no question as to the facts. They are not on all fours with the cases the gentleman mentions.

Mr. UNDERWOOD. I am answering the gentleman from Illinois when he says that these cases stand on the proposition that the cases were ordered by Congress to go to the Court of Claims.

Mr. LACEY. May I ask the gentleman a question?

Mr. UNDERWOOD. Let me finish my sentence. It puts them in no better attitude than any other claim that was sent to the Court of Claims. If they stand on that basis, Mr. Chairman, then they ought to fall on the same procedure, under the parliamentary law of this House, as any other case does that has been referred to the Court of Claims and comes back here for settlement.

Mr. LACEY. If it be true that the Supreme Court of the United States has held these claims to be valid and legitimate claims against the Government under existing law, then the payment is certainly authorized by existing law, and consequently the point of order is not well taken. Is not that correct?

Mr. UNDERWOOD. No; that has nothing to do with the point of order. What we are striking at is whether the claims are germane to this bill. I do not mean to say that these claims are not germane to something and that some money ought not to be paid to these States. I am not arguing that point. What I contend is this, Mr. Chairman, that if you take it from the standpoint that they have a standing here because they are authorized by law to go to the Court of Claims, then, to follow the procedure followed in all other cases where a judgment from the Court of Claims comes back, it should go to a war claims committee. But if, on the other hand, these cases stand in a position contended for by the gentleman from Indiana that they have been audited, they are not judgments of any court, there is no court here that has ever rendered judgment and certified these cases to the Appropriation Committee. If they stand here on a basis or law by which they were authorized to be audited, I say they have no standing on the general deficiency bill; that the proper place for claims of that kind would be on the sundry civil appropriation bill.

In the first place, Mr. Chairman, we have the order of the House determining the status of these very claims, because bills have been introduced for their payment, and these bills have been referred by the Speaker of the House to the Committee on War Claims. Now, one of the very first propositions that you consider when you go to determine whether a matter is germane or not is what committee it has gone to—what committee has jurisdiction of it. In other words, certainly a matter that would not go to the Appropriation Committee would not be germane to a bill reported to this House from the Appropriations Committee.

The Speaker of this House has determined that question by referring these individual bills to the Committee on War Claims, and not to the Committee on Appropriations. So, thus far, we have a determination that they are not germane. But, if the Committee on Appropriations has any jurisdiction of this matter at all, it certainly only has it on the sundry civil bill, which is intended to carry appropriations of this kind. The deficiency bill is clearly and manifestly a bill for paying claims or deficiencies where Congress, in the original appropriation, fails to appropriate enough money to carry out the original appropriation as carried in some other bill. Now, these claims have no relation to any other matter, because this is the first time Congress has attempted to appropriate in the matter. There is no deficiency existing in reference to these claims, and therefore, necessarily, they are not germane upon a deficiency bill.

I know it has been customary as a matter of unanimous consent to carry a vast number of appropriations of various descriptions on the general deficiency bill. As a matter of fact, this bill itself contains provisions that have gone through here by unanimous consent that would have been defeated if a point of order had been made against them. All the great appropriation bills often carry matters of that kind. But because there are matters carried on these bills which are not germane, that does not warrant anyone in holding that these original appropriations are germane to the bill now under consideration.

Mr. SIMS. Mr. Chairman, I have been desirous to avoid making any statement which might appear to bear upon the merits of the amendment, but it is necessary for me to refer briefly to some circumstances of the present case in order to get at the point of order.

Mr. HEMENWAY. I hope the gentleman will let the Chair determine the point of order.

Mr. SIMS. I wish to make simply a short statement in order to get at the point of order.

The legislation under which these claims have been certified was put on the urgent deficiency bill, which was itself subject to a point of order at that time. The four claims provided for upon the urgent deficiency bill were the claims of Rhode Island, New Hampshire, Pennsylvania, and Maine. Each of those claims had been presented to the Court of Claims, and the court had made a finding. Now, immediately follows this legislation authorizing the accounting officer to audit these claims regardless of the limitations which had been imposed in a former settlement of like claims.

The claims carried in this appropriation were before the Committee on War Claims, of which I am a member. I had an opportunity to investigate the question, and I would have made a point of order against this legislation had I not thought that the settlement of these claims would follow the decision of the Court of Claims. The claim of the State of New York was settled under the decision of the Supreme Court of the United States; the claims of these four States were settled under a decision of the Court of Claims upon cases referred to that court by the very Comptroller who has passed on this claim, and they were audited in pursuance of the decision of the Court of Claims. But when we come to the case of the State of Indiana the Comptroller does not follow the decision of the Court of Claims or of the Supreme Court, as I contend, but he certifies the claim as it appears in this bill for more than double what would have been the amount if it had been audited according to the decision of the Court of Claims rendered since the New York decision and rendered upon a reference by the very Comptroller himself who renders this decision.

Now, the time is very short for the examination of this matter.

There ought to be three or four hours' discussion of these items. There is not an item of detail before the Committee of the Whole in regard to these claims. I have been utterly unable to get any details. I believe that these items are not germane to a deficiency bill and ought to go out. I should like to hear any gentleman explain why these are proper items on a deficiency bill—how they can be construed as constituting a deficiency.

The CHAIRMAN. The statute which has been read in full plainly refers these several claims to the Auditor for reexamination and reauditing, with a view to allowance or disallowance. That has been done, as the gentleman from Illinois states, and the certificate of the Auditor is produced here.

Now, it has been repeatedly held that any audited account—not necessarily the judgment of a court, but any account audited by direction of Congress—is in order on a deficiency appropriation bill. That is this case. The Chair overrules the point of order.

Mr. SIMS. Now, Mr. Chairman, I move to amend lines 13, 14, and 15 by striking out "$635,859.20," and inserting "$287,015.95."

The amendment of Mr. SIMS was read by the Clerk.

Mr. SIMS. Now, Mr. Chairman, we come to a discussion of the merits of the case, and I hope we may have an agreement for something more than the five minutes debate upon this amendment. What I propose to say with reference to one of these States will apply equally to all of them.

Mr. CANNON. The same principle governs these several cases.

Mr. GROSVENOR. All these cases have not been before the Court of Claims. As I understand, the proposition of the gentleman from Tennessee is to set aside the finding of the Auditor and follow the finding of the Court of Claims.

Mr. HEMENWAY. There has been no finding of the Court of Claims in any of these cases.

Mr. SIMS. I suggest that the paragraphs in reference to these several States be considered all together.

Mr. CANNON. It will be very easy to dispose of these other items after the first one has been disposed of. How much time does the gentleman from Tennessee desire for debate?

Mr. SIMS. I do not want a minute more than is necessary to get the matter before the House as clearly as I am able to do it, but the gentleman knows very well that frequently questions are asked and that takes time. I do not know how much time I will want, but I shall take just as little as I can get along with.

Mr. GROSVENOR. Mr. Chairman, I call for the regular order.

Mr. SIMS. Oh, Mr. Chairman, I hope the gentleman from Ohio will not do that.

Mr. GROSVENOR. Mr. Chairman, I want to state that the gentleman from Tennessee always fights every claim that lies north of the Ohio River.

Mr. SIMS. The gentleman does not understand the thing.

Mr. GROSVENOR. I understand the gentleman from Tennessee perfectly.

Mr. SIMS. I know the gentleman from Ohio is fair, and if he understood the situation he would not make that remark, I am satisfied. I am going to ask for unanimous consent——

Mr. GROSVENOR. I shall object.

Mr. SIMS. Oh, let me make the statement, and if you object then I have no objection.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. SIMS. Certainly.

Mr. CANNON. If the gentleman will allow me for a moment, I would ask unanimous consent that debate on all these items—they are all similar—close in forty minutes.

Mr. SIMS. I think that is perfectly satisfactory.

Mr. CANNON. Each side to have half.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate upon these paragraphs and amendments thereto be closed in forty minutes, the time to be equally divided between the two sides, Is there objection to that?

Mr. GROSVENOR. I object.

Mr. CANNON. Then, Mr. Chairman, I make the motion.

The CHAIRMAN. The gentleman from Illinois makes the motion. The Chair will put the motion.

The motion was agreed to.

Mr. SIMS. Mr. Chairman, inasmuch as a remark dropped by the gentleman from Ohio does me a great injustice, I want to state for the benefit of the House just how this matter came to my attention. Separate bills for these items, in three of the States that I now remember, were introduced and referred to the Committee on War Claims, of which I am a member. We to some extent discussed them there, and that is how the matter came to my attention. I want to state further that the State of Kentucky is equally and vitally interested in this matter as any State north of the Ohio River. I want to get simply at what is right, and nothing else; and I do not care where the money goes. There was an act passed by the Congress of the United States in 1861—an act of reimbursement—which is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury.

The United States Government paid back to those States the exact sum that the State had paid out. As held by former accounting officers of the Treasury, the Government would not, and did not, allow payments made by the States or anything except moneys paid out by the States. They did not allow the States interest upon bonds issued by the respective States by which to procure money for this purpose. Quite a number of years ago the State of New York brought suit in the Court of Claims to recover the sum of $91,000 as interest paid by the State of New York upon short-time bonds issued by that State, by means of which the State raised money to equip the troops, and for the sum of $39,000 for interest due by the State of New York to what was known as the canal fund. The Court of Claims decided that the item of interest on the bond issued by New York for this purpose was a proper charge against the Government, and was not in the nature of interest by the Government to its debtor where no special contract existed.

Of course it is well understood that the Government pays no interest except by special contract or on judgments. The Court of Claims disallowed the canal item. It was taken by appeal to the Supreme Court of the United States; many questions were presented that are not necessary here to discuss, but the Supreme Court of the United States did decide in the New York case that the interest paid by the State of New York to the canal fund or on account of bonds was a proper charge of reimbursement and it was reimbursed and paid. There are four other cases. The claims of the State of Rhode Island, the State of New Hampshire, the State of Maine, and the State of Pennsylvania were referred to the Court of Claims for decision after the New York case had been decided. They were referred by the Comptroller, and I wish to read the letter of reference to the House so that the House will know what the Court of Claims had before it and decided. Here is the Auditor's statement of the matters referred to the court:

WASHINGTON, D. C., *January 14, 1899.*

THE SECRETARY OF THE TREASURY.

SIR:

* * * * * * *

1. Have the accounting officers jurisdiction to entertain, adjust, and settle this claim on its merits, under the decision in the case of The United States *v.* New York (160 U. S., 598)?

(*a*) Is this claim for interest on money borrowed and expended in equipping troops so intimately connected with the principal claims already allowed that the interest claim can be held to have been settled in the settlement of the principal claims on the doctrine that a claimant can not be allowed to split up his cause of action?

(*b*) In view of the long delay in presenting this claim, is it "a stale claim," which the accounting officers should not entertain, adjust, or settle on its merits?

2. If the accounting officers have jurisdiction and should settle the claim, for what time ought interest to be allowed?

(*a*) Where long-time bonds were issued, should interest be allowed to the maturity of the bonds; if not, to what lesser time should it be allowed?

(*b*) Should interest be allowed beyond the time necessary for the State to levy a tax and collect the money required for the principal expenditure?

3. If the court finds it has jurisdiction to determine the amount due, what amount, if anything, is the State entitled to on the evidence and facts presented?

I transmit all the papers, proofs, documents, etc., pertaining to the claim, as requested.

Respectfully, yours, W. W. BROWN, *Auditor.*

This is the Maine case from which I am reading.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. The twenty minutes have not expired, have they?

Mr. CANNON. The gentleman, as I understand it, controls twenty minutes of the forty.

The CHAIRMAN. That was objected to.

Mr. SIMS. I thought there was a motion made and carried.

The CHAIRMAN. It is beyond the authority of the committee to do anything more than close debate by motion.

Mr. MANN. I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. There are $8,000,000 directly and indirectly involved in this matter, and here is the decision of the court. If this House does not want to know the law, and does not want to vote intelligently, there is no use in my occupying five minutes. I

am reading the decision of the court—I am not blowing my own horn.

Mr. CANNON. I again ask unanimous consent that the whole of the twenty minutes in opposition to this provision and for the amendment be under the control of the gentleman from Tennessee.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SIMS. I hope, Mr. Chairman, not to use all of the time. After full consideration of all the questions submitted, the court decided that the accounting officers have jurisdiction to settle the claim in this case, and the same should be adjusted by allowing the State interest as set forth in the findings, from the dates of the several loans made by her on the money found to have been properly expended in organizing and equipping the troops, for which the United States promised indemnity by the act of 1861, up to the date or dates when the Government reimbursed the State for the money so advanced, deducting therefrom the amount of direct tax chargeable against said State as of the date when due and chargeable, to wit, June 30, 1862.

The above is the determination and decision of the Court of Claims in the Maine case, submitted to them by the Comptroller after the New York case had been decided by the Supreme Court, applying the principles as laid down by the court in the New York case.

This is the decision of those five able judges. Their decision is that interest paid by the States may be reimbursed, but that when the United States Government made payments to those respective States, either by way of remission of direct tax or by direct payment, those payments should go as a credit upon the liability of the State against the United States, and stop interest on that amount from the time that it was paid until interest ceased to be paid by the State upon the respective obligations, bonds, or whatever the obligations might be.

The only questions to be considered in this case are these: The contention of the Comptroller, as I understand it, is that the Government is liable to the respective States for the bonds and interest to maturity of the bond, provided the bond ran to maturity. If the State of Indiana or any of these other States had issued bonds running twenty years, and by remission of the direct tax or by direct payment the whole amount up to the time of the payment had been paid before the maturity of the bonds issued by the States; that although the State of Indiana or any of these other States may have had that money in her coffers for ten years, thereby enabling her to buy in her own bonds if they were subject to be called in and paid off, or to be applied to any other State purposes, thereby relieving her citizens of taxes—that although that is the fact, the Government of the United States under the New York decision must pay the bonds with all the interest to maturity, providing the State has paid that much.

I contend, as a matter of justice, that the decision of the Court of Claims case should be followed, and that these should be treated as a matter of partial payments, as a matter of mutual indebtedness between the two, and that the offsets should be treated equitably. Remember, these four decisions of the Court of Claims were rendered after the decision in the New York case and pursuant to it.

Mr. COWHERD. And construing it.

Mr. SIMS. And construing it; and it was referred to them for that very purpose. Under the act of Congress making appropriations for urgent deficiencies for the present fiscal year, approved February 14, 1902, it is provided:

> In refunding to States expenses incurred in raising volunteers, namely:
> To the State of Maine, $131,515.81.
> To the State of Pennsylvania, $689,146.29.
> To the State of New Hampshire, $108,372.53.
> To the State of Rhode Island, $124,617.79.
> And the claims of like character arising under the act of Congress of July 27, 1861 (12 Stats., p. 276), and joint resolution of March 8, 1862 (12 Stats., p. 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 U. S. Repts., p. 598), not heretofore allowed, or heretofore disallowed, by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and, if deemed necessary, shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers.

These claims appropriated for in the above act had been submitted to the Court of Claims as an aid, as a guidance to the accounting officers. Now then, the claims of the four States that I have mentioned were settled; audited by the proper accounting officers according to the decision of the Court of Claims construing the New York decision. Four States have received their money and receipted for it under this decision; but when you come to the State of Indiana the Comptroller does not follow the Court of Claims decision, but renders a new decision, or a decision of his own, which doubles the amount by way of interest on all the States yet to be settled, and if adopted in this House there would be due the States that have already been settled with about two million and a half dollars.

There is something more than a million in this bill, and several of the States yet to settle with when their accounts are audited. If we follow the Comptroller instead of following the court, consisting of five judges, who construed and applied the principle decided in the New York case, you will have to pay about $8,000,000 more than you will have to do if you follow the decision of the Court of Claims. New York accepted the decision in her favor and was paid off. Maine, New Hampshire, Rhode Island, and Pennsylvania also. This is the amount due and allowed by the Comptroller of the Treasury under his decision of April 14, 1902.

If this claim had been settled in accordance with the principles announced in the Court of Claims and followed by the Auditor of the War Department in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire and Rhode Island, already allowed and paid under the opinion of that court, there would be due to the State of Indiana by the United States for interest and expenses $129,174.05, for discount $150,840, making a total of $281,015.95. Now, each of these claims was followed by a note from the Auditor showing that, with the exception of the Ohio case—which makes but little difference—that it doubles in round numbers this appropriation to follow the Comptroller in his decision made in behalf of the State of Indiana after the Court of Claims had decided four like cases, otherwise following the New York case.

I know how embarrassing it is for any member of Congress to turn down a claim for his own State. It is for gentlemen to take the decision of the Court of Claims as right or that of the Comptroller. The Comptroller had accepted the decision in the case of four States. He has given his argument, and it is quite a strong argument. The distinguished chairman of the Committee on Appropriations is from one of the States interested, Illinois, and the gentleman [Mr. HEMENWAY] who has just spoken is from another of those States, and I am from Tennessee, but I wish in this case to know whether we members of Congress are to overrule the decision of a Court of Claims, the very court we authorized these cases to be referred to, or should we undertake to follow the decision of the Comptroller?

Now, which has the greater weight of authority—the Comptroller or the Court of Claims, the court designated by the very act itself to decide these matters, composed of five judges without interest, directly or indirectly? I am making an argument to get at this matter in the most disinterested way. The Comptroller has decided this according to his own judgment. The Court of Claims is a judicial body. They are more capable of determining and applying the principles of law as settled in the New York case than I am, than Congress is, than the Comptroller is.

Now, I want to say to the gentleman from Indiana [Mr. HEMENWAY] that we are all human in these things; and I will say to the gentleman that as we are all embarrassed in these matters when they come from our own States, that if he finds I bring up a Tennessee case that he does not approve I hope he will help me to put my principles in practice.

I do not mean to in any manner reflect upon the gentlemen whose States are interested, but let us divest ourselves of all these matters of embarrassment as far as possible and follow the best authority in deciding these matters, and this is the court to which these questions have been referred ever since it has been a court. The Government has been very liberal to the States. It has permitted them to be allowed interest, discount, and express charges. If we do not follow the decision in the New York case, then a precedent will be established, and you will have to reopen the whole of the cases that have already been settled, and go along and do the same thing with the other States that have to be settled with hereafter.

I make this appeal for the sake of the Treasury. I am not the watchdog of the Treasury, but when the watchdog, Mr. CANNON, is slightly muzzled by embarrassing interests in his own State, I know he will let me bark for him if I can. [Laughter.] Now, let me tell you the difference in these sums.

Mr. RICHARDSON of Tennessee. What would be the amount due under the gentleman's amendment?

Mr. SIMS. The amounts for these several States, as shown by the bill, are:

> To the State of Indiana, $635,859.20.
> NOTE.—This is the amount found due and allowed by the Comptroller of the Treasury under his decision of April 14, 1902.
> If this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department

in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Indiana from the United States on this claim—

For interest and expenses	$135,169.05
For discount	151,846.90
Making a total of	287,015.25

instead of the amount certified.

To the State of Iowa, $456,417.89.

NOTE.—This allowance is based upon the decision of the Comptroller of the Treasury dated April 14, 1902.

If this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Iowa from the United States on this claim $229,699.62 instead of the amount certified. (See House Doc. No. 654.)

To the State of Michigan, $382,167.62.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,
Washington, D. C., June 9, 1902.

I certify that I have examined and settled the claim of the State of Michigan for refundment of moneys paid as interest on loans from July 10, 1861, to January 1, 1870, and other expenses incurred in procuring funds to suppress the rebellion during 1861-1865, and find that there is due from the United States the sum of $382,167.62 for interest and discount allowed by the Comptroller of the Treasury for the period from July 10, 1861, to August 20, 1866, in the sum of $255,397.76, and an additional amount found due the State by this office under the decision of the Comptroller of the Treasury dated May 28, 1902, for interest from August 20, 1866, to January 1, 1870, and other expenses in the sum of $126,769.86.

Appropriation: Refunding to States expenses incurred in raising volunteers.

To be reported to Congress under section 2 of the deficiency appropriation act of July 7, 1884.

Payable to: The Governor of the State of Michigan, Lansing, Mich., "when an appropriation shall have been made."

I further certify that if this claim had been settled in accordance with the principles announced by the Court of Claims and followed by this office in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Michigan for interest and expenses $130,725.36, and for discount $32,644.77, making a total of $163,370.13 instead of the amount certified.

F. E. RITTMAN,
Auditor for the War Department.
By E. P. SEEDS,
Deputy Auditor.

To the State of Ohio, $458,559.35.

This is the amount found due and allowed by the Comptroller of the Treasury June 2, 1902. The Comptroller, in his certificate, further states that had this claim been settled by him, applying the principles of the decision of the Court of Claims in the case of the State of Maine (36 C. Cls. R., 53), he would have found due the State of Ohio the sum of $443,145.24 instead of the amount certified.

To the State of Illinois, $1,005,129.29.

Of this amount $774,560.28 was found due by the Comptroller of the Treasury for discount and interest on loans from July 1, 1861, to July 1, 1867, in his decision of June 4, 1902, and an additional amount of $230,569.01 was found due by the Auditor for the War Department for interest from July 1, 1867, to January 1, 1880, under the decisions of the Comptroller of April 14, 1902, and June 4, 1902. If this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Illinois for interest and expenses $202,491.81, and for discount $232,605, making a total of $435,096.81 instead of the amount certified.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. Will the gentleman from Illinois let me read the items of the other two States?

Mr. CANNON. There will be no trouble about that. If the gentleman's contention is right, the claim of my State will be cut down largely over one-half.

Mr. SIMS. But I want to show the exact figures.

Mr. CANNON. I can not in justice to my colleagues yield any further to the gentleman.

Mr. SIMS. I will ask, then, that I may add these in the RECORD, so as to make the statement complete.

Mr. CANNON. Oh, certainly; put it in the RECORD. Now, Mr. Chairman, I yield ten minutes to the gentleman from Indiana.

Mr. HEMENWAY. Mr. Chairman, I would like to have the attention of the House long enough to brush away the cobwebs which have been thrown around this matter by the gentleman from Tennessee.

Mr. UNDERWOOD. If the gentleman will allow me a question, I want to ask him what is the reason why the disposition of the Court of Claims should not be followed?

Mr. HEMENWAY. Mr. Chairman, there is absolutely no decision of the Court of Claims in these matters, and all this talk about the Court of Claims having decided one of these cases is a mistake. Not one of them was ever before the Court of Claims. Upon the other hand, they have been decided by a court higher than the Court of Claims. They have been decided by the Comptroller of the Treasury, whose decision is final upon all of these audited accounts. And they have been decided by a lawyer whose honesty and ability have never been questioned. He was anxious that Congress should have full information and went to the extent of calling attention to both audits of all these claims, showing the amount due in case his decision was not accepted, and the calculation in the case of the State of Maine accepted.

Mr. SIMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Tennessee?

Mr. HEMENWAY. I decline to yield, Mr. Chairman. Not one of these matters has been to the Court of Claims. In 1861, while the country was in war and could not raise money, it asked the Northern States to raise money and equip the troops and arm them and put them in the field. By legislation the United States agreed to pay the States back the money they expended. Nearly all of the Northern States went to work and raised money, equipped the troops, and put them into the field. Later on, after the war was over, the State of Indiana, the State of Michigan, State of Iowa, the State of Illinois, and numerous other States, the filed their claim for the money they had expended.

The then Comptroller of the Treasury held that the States could only be paid back the principal sum that they borrowed and not the interest that they paid on that sum. For instance, the State of Indiana borrowed $2,000,000 and had to pay some half million dollars as interest in order to discharge that debt. The Comptroller held that the Government could only pay back the principal and not the interest. A number of the States were turned down by the Comptroller at that time.

Time passed, and the claims were barred by limitation.

Mr. LIVINGSTON. Let me suggest that the Attorney-General indorsed the opinion of the Comptroller.

Mr. HEMENWAY. Yes. Then New York filed a claim, and it went to the Comptroller and to the Court of Claims and then to the Supreme Court. The Supreme Court held that the Government should pay to the States every dollar that they paid out in order to discharge that debt. They virtually said this: "Here is a man in distress, and he asks a friend to borrow some money for him. The friend borrowed the money and helped him out. Later on he goes to him and says: 'Here is the principal you borrowed for me.' 'Yes,' he says, 'but hold on; here are four years' interest that has accumulated. I had to pay interest on this principal.' 'Oh,' he says, 'I do not care about interest; here is your principal.'" That was the position that the Comptroller put the Government in, saying to the States, "We, the Government, are going to beat you out of the interest."

Now, how was it with the State of Indiana? I want the House to understand the exact circumstances of the case. Indiana, at the request of the United States Government, during the administration of our great war governor, Oliver P. Morton, borrowed $2,000,000. At that time we were in almost as bad condition financially as the Government of the United States. Our credit was impaired. But upon the urgent recommendation of the Government we issued bonds to the amount of $2,000,000 and sold them for the best money we could get for them. We had to accept a discount.

Many citizens of Indiana bought those bonds. They were issued in denominations of $500, so that patriotic citizens of small means could buy them. They bought them at a discount; but when they came back to get their money many of them refused to accept the discount and accepted the amount they paid; and in this way there was paid back to the State of Indiana over $73,000 of the discount. Indiana gave the Government credit for every cent saved in this way. We commenced paying off those bonds just as soon as the State could raise the money, in order to save the Government every dollar that we could. We only sold bonds as the money was necessary for use, and we redeemed them as rapidly as possible. I will attach a complete statement showing when bonds were sold and when redeemed.

Statement of sale of $2,000,000 Indiana 6 per cent war-loan bonds.

Par value bonds sold under the act May 13, 1861			$2,000,000.00
Received for $200,000 bonds (Schedule 1)		$1,756,670.66	
Received accrued interest on bonds (Schedule 2)		8,880.15	
Total received for bonds		$1,765,550.81	
Interest paid on bonds to November 1, 1861 (Schedule 3)	$7,727.32		
Commission exchange, etc., paid	931.00		
		8,658.32	
			1,756,892.49
Loss on sale of bonds			243,107.51

REDEMPTION OF WAR-LOAN BONDS.

Amount of bonds redeemed	$2,000,000.00	
Paid for redemption (schedule 4)	1,926,502.69	
Profit on redemption		$73.497.31
Net loss on sale of bonds		169,610.20
Interest paid by State on bonds, May, 1862, to May, 1881		469,683.72
Expense of Commission, printing, etc		1,685.39
Amount due the State		640,979.31

SCHEDULE No. 1.—*Statement of proceeds sale $2,000,000 Indiana war-loan bonds.*

Date.	Number and price.	Par value.	Amount received.
1861.			
May 28	125 bonds, Nos. 1-125, at par	$125,000	$125,000.00
June 25	12 bonds, Nos. 126-137, at 87½	12,000	10,500.00
25	50 bonds, Nos. 138-187, at 88½	50,000	44,375.00
25	50 bonds, Nos. 188-237, at 88½	50,000	44,250.00
25	50 bonds, Nos. 238-287, at 87½	50,000	43,937.50
25	25 bonds, Nos. 288-312, at 88	25,000	22,000.00
25	25 bonds, Nos. 313-337, at 88⅑	25,000	22,250.00
25	100 bonds, Nos. 338-437, at 88½	100,000	88,500.00
25	110 bonds, Nos. 438-547, at 88⅑	110,000	97,790.00
July 16	90 bonds, Nos. 548-597, 1801-1840, $500 each, at 85	70,000	59,500.00
24	9 bonds, Nos. 598-600, 1841-1845, $500 each, at 85	5,000	4,250.00
Aug. 10	30 bonds, Nos. 651-680, at 85	30,000	25,500.00
10	30 bonds, Nos. 715-744, at 85	30,000	25,500.00
10	10 bonds, Nos. 692-702, at 85	10,000	8,500.00
Aug. 12	12 bonds, Nos. 681-692, at 85	12,000	10,200.00
12	37 bonds, Nos. 755-790 and 1845, at 85	36,500	31,025.00
12	57 bonds, Nos. 626-635, 703-714, 745-750, 791-815, at 85	57,000	48,450.00
30	66 bonds, Nos. 601-625, 636-640, 821-856, at 85	66,000	56,100.00
Sept. 3	10 bonds, Nos. 641-650, at 85	10,000	8,500.00
5	5 bonds, Nos. 816-820, at 85	5,000	4,250.00
Oct. 10	9 bonds, Nos. 1475-1483, at 83	9,000	7,470.00
12	6 bonds, Nos. 1484-1489, at 83	6,000	4,980.00
18	12 bonds, Nos. 1485-1496, at 83	12,000	9,960.00
23	1 bond, No. 1497, at 83	1,000	830.00
26	6 bonds, Nos. 1498-1503, at 83	6,000	4,980.00
29	14 bonds, Nos. 1508-1521, at 83	14,000	11,620.00
Nov. 5	3 bonds, Nos. 1522-1524, at 83	3,000	2,490.00
12	4 bonds, Nos. 1504-1507, at 83	4,000	3,320.00
Dec. 2	129 bonds, Nos. 1525-1653, at 85	129,000	109,650.00
10	2 bonds, Nos. 1769, 1770, at 83	2,000	1,660.00
11	5 bonds, Nos. 1761-1765, at 83	5,000	4,150.00
12	54 bonds, Nos. 857-910, at 83	54,000	44,850.00
1862.			
Jan. 7	74 bonds, Nos. 1776-1789, 1846-1895, at 85	49,000	41,650.00
22	59 bonds, Nos. 911-968, 1950, at 83 29/100	58,500	48,593.82
28	90 bonds, Nos. 969-1058, at 85 84/100	90,000	77,262.64
Feb. 1	5 bonds, Nos. 1432-1436, at 83	5,000	4,150.00
	90 bonds, Nos. 1059-1148, at 85 84/100	90,000	77,264.58
5	3 bonds, Nos. 1457, 1896, 1897, at 84	2,000	1,680.00
24	4 bonds, Nos. 1458-1461, at 85	4,000	3,400.00
25	10 bonds, Nos. 1382, 1883, 1462-1469, at 83½	10,000	8,333.00
26	8 bonds, Nos. 1437-1444, at 83	8,000	6,640.00
Mar. 1	12 bonds, Nos. 1445-1456, at 85	12,000	9,960.00
10	5 bonds, Nos. 1149-1152, 1951, at 85 86/100	4,500	3,864.12
20	90 bonds, Nos. 1284-1423, 1898-1947, at 85	65,000	55,250.00
28	40 bonds, Nos. 1054-1693, at 85	40,000	34,000.00
Apr. 1	10 bonds, Nos. 1424-1431, 1948-1949, at 85	9,000	7,650.00
3	2 bonds, Nos. 1790-1791, at 85	2,000	1,700.00
8	30 bonds, Nos. 1257-1286, at 84	30,000	25,200.00
9	20 bonds, Nos. 1287-1301, 1694-1698, at 84	20,000	16,800.00
15	10 bonds, Nos. 1699-1708, at 90	10,000	9,000.00
16	5 bonds, Nos. 1709-1713, at 89½	5,000	4,475.00
16	50 bonds, Nos. 1714-1758, 1302-1306, at 89¼	50,000	44,625.00
17	75 bonds, Nos. 1307-1381, at 88	75,000	66,000.00
18	25 bonds, Nos. 1153-1177, at 85	25,000	21,250.00
May 13	3 bonds, Nos. 1178-1180, at 94	3,000	2,820.00
23	1 bond, No. 1181, at 94	1,000	940.00
June 12	150 bonds, Nos. 1952-2051, 1215-1256, 1182-1189, at 94½	100,000	94,750.00
Aug. 14	183 bonds, Nos. 1792-1800, 1190-1214, 2052-2200, at 94	108,500	103,075.00
	Total	2,000,000	1,756,670.66

SCHEDULE No. 2.—*Statement of accrued interest received on sale of Indiana war-loan bonds.*

1861.		
Nov. 5.	Accrued interest on $3,000 bonds	$2.46
12.	Accrued interest on $4,000 bonds	8.00
Dec. 2.	Accrued interest on $129,000 bonds	657.38
10.	Accrued interest on $2,000 bonds	13.33
11.	Accrued interest on $5,000 bonds	34.15
1862.		
Jan. 7.	Accrued interest on $49,000 bonds	547.73
Feb. 1.	Accrued interest on $5,000 bonds	72.50
5.	Accrued interest on $2,000 bonds	41.10
24.	Accrued interest on $4,000 bonds	78.00
25.	Accrued interest on $10,000 bonds	189.04
26.	Accrued interest on $8,000 bonds	153.33
Mar. 1.	Accrued interest on $12,000 bonds	236.71
20.	Accrued interest on $65,000 bonds	1,485.21
28.	Accrued interest on $40,000 bonds	962.50
Apr. 1.	Accrued interest on $9,000 bonds	221.92
3.	Accrued interest on $2,000 bonds	51.32
8.	Accrued interest on $30,000 bonds	785.00
9.	Accrued interest on $20,000 bonds	526.66
18.	Accrued interest on $25,000 bonds	700.69

SCHEDULE No. 2—*Statement of accrued interest, etc.*—Continued.

1862.		
Aug. 14.	Accrued interest on $108,500 bonds	$1,916.76
Apr. 21.	To remainder interest sales Mar. 1-10	21.29
1861.		
Oct. 29.	Interest received on deposit in New York	175.07
	Total	8,880.15

SCHEDULE No. 3.—*Statement of interest, commissions, exchange, expressage, etc., paid on account sale of Indiana war-loan bonds.*

Date.		Interest paid.	Exchange, commissions, expressage, etc.
1861.			
May 28	Interest to Nov. 1, 1861, on $125,000 of bonds	$3,187.50	
July 16	Interest to Nov. 1, 1861, on $70,000 of bonds	1,231.23	$433.77
24	Interest to Nov. 1, 1861, on $5,000 of bonds	81.37	
Aug. 10	Interest to Nov. 1, 1861, on $30,000 of bonds	404.40	
10	Interest to Nov. 1, 1861, on $30,000 of bonds	404.40	8.75
10	Interest to Nov. 1, 1861, on $10,000 of bonds	131.51	
12	Interest to Nov. 1, 1861, on $12,000 of bonds	157.81	
12	Interest to Nov. 1, 1861, on $36,500 of bonds	480.00	
12	Interest to Nov. 1, 1861, on $57,000 of bonds	749.60	135.77
30	Interest to Nov. 1, 1861, on $66,000 of bonds	672.67	
Sept. 3	Interest to Nov. 1, 1861, on $10,000 of bonds	95.34	41.82
5	Interest to Nov. 1, 1861, on $5,000 of bonds	46.03	
Oct. 10	Interest to Nov. 1, 1861, on $9,000 of bonds	31.00	
12	Interest to Nov. 1, 1861, on $6,000 of bonds	18.74	
18	Interest to Nov. 1, 1861, on $12,000 of bonds	25.64	
23	Interest to Nov. 1, 1861, on $1,000 of bonds	1.32	
26	Interest to Nov. 1, 1861, on $6,000 of bonds	4.15	3.75
29	Interest to Nov. 1, 1861, on $14,000 of bonds	4.61	
1862.			
Feb. 1	Commission on $5,000 of bonds		12.50
26	Commission on $8,000 of bonds		20.00
Mar. 1	Commission on $12,000 of bonds		30.00
28	Commission on $40,000 of bonds		37.50
Apr. 1	Premium on exchange on $9,000 of bonds		19.64
16	Commission on $5,000 of bonds		12.50
	Commission on $50,000 of bonds		125.00
18	Commission on $25,000 of bonds		50.00
	Total	7,727.32	931.00

SCHEDULE No. 4.—*Redemption of Indiana war-loan bonds.*

Date redeemed.	Par value.	Amount paid.
1861.		
August 9	$488,000	$432,898.16
December 2	129,000	110,307.38
1862.		
January 8	49,000	42,197.72
August 14	108,500	106,609.43
1864.		
January 9	10,000	10,100.00
April 11	39,000	38,122.50
April 28	5,000	4,912.50
May 14	2,000	1,965.00
June 18	11,000	10,890.00
July 27	10,000	10,000.00
August 11	8,000	8,000.00
September 7	10,000	10,000.00
September 13	18,000	18,000.00
September 15	9,500	9,500.00
November 14	12,000	12,000.00
November 15	55,000	55,000.00
November 19	20,000	20,000.00
November 23	60,000	60,000.00
November 29	10,000	10,000.00
November 30	30,000	30,000.00
1867.		
January 30	101,000	101,000.00
February	117,000	117,000.00
March 12	422,000	422,000.00
May 1	31,000	31,000.00
May 1	8,000	8,000.00
December 5	10,000	10,000.00
1868.		
May 1	3,000	3,000.00
May 2	2,000	2,000.00
June 24	5,000	5,000.00
August 1	5,000	5,000.00
September 8	2,000	2,000.00
November 28	3,000	3,000.00
1869.		
May	3,000	3,000.00
1870.		
August	25,000	25,000.00
1871.		
November	1,000	1,000.00
May	24,000	24,000.00

SCHEDULE No. 4.—*Redemption of Indiana war-loan bonds*—Continued.

Date redeemed.	Par value.	Amount paid.
1872.		
May 23	$10,000	$10,000.00
September 23	5,000	5,000.00
1881.		
May 28	139,000	139,000.00
Total	2,000,000	1,926,502.69

Interest payments on Indiana war-loan bonds.

May 3, 1862	$33,645.00
November 13, 1862	36,765.00
April 29, 1863	36,765.00
October 27, 1863	36,765.00
April 23, 1864	36,000.00
March 11, 1865	35,000.00
May 3, 1865	27,480.00
October 21, 1865	27,000.00
April 27, 1866	25,972.42
October 29, 1866	26,973.67
April 12, 1867	25,440.00
October 12, 1867	8,350.42
May 29, 1868	6,240.00
December 23, 1868	6,300.00
April 16, 1869	6,420.00
October 18, 1869	6,120.00
April 15, 1870	6,450.00
October 31, 1870	5,370.00
October 25, 1871	4,590.00
May 16, 1872	300.00
April 18, 1873	4,170.00
October 24, 1873	4,170.00
April 21, 1874	4,170.00
October 20, 1874	4,170.00
April 20, 1875	4,170.00
October 26, 1875	4,170.00
April 28, 1876	4,170.00
October 28, 1876	4,170.00
April 26, 1877	4,170.00
October 29, 1877	4,170.00
April 27, 1878	4,170.00
October 31, 1878	4,170.00
April 26, 1879	4,170.00
October 29, 1879	4,170.00
May 5, 1880	4,170.00
October 30, 1880	4,178.34
May 28, 1881	5,008.87
Total	469,683.72

In August, 1861, we commenced paying these bonds, and by November 30, 1862, we had redeemed over $1,000,000 of those bonds. Up to that time the Government had not paid Indiana one cent on the debt.

Now, all that the State of Indiana or the State of Illinois or Ohio or any of these States asks is that the Government shall pay back to them just the amount in dollars and cents that they paid out, without one cent of interest.

Mr. COWHERD. I would like to ask the gentleman whether there is not this distinction: That under the decisions rendered by the Court of Claims in the Pennsylvania and Maine cases, following the decision in the case of New York, the Government was allowed to credit its partial payments on the indebtedness, but in the appropriations you make here you charge interest for the entire time, notwithstanding the Government had paid a part of the indebtedness.

Mr. HEMENWAY. Certainly that is not the case. In the Maine case there were a number of partial payments, but as I have shown, in the Indiana case we had actually paid off nearly all the debt before the Government ever paid us a dollar, so that in this case there is no question of partial payments at all. There is no such a question in the Ohio case, and that question arises only to a limited extent in the Illinois case.

When the Government made its last payment to the State of Indiana a limited number of the bonds of the State were unpaid. The State could not call in those bonds at once. And will it be contended that the State should be beaten out of the interest because the State could not call in her bonds? Why, sir, only recently, during the present Administration, the Government of the United States has been buying its own bonds and paying a premium upon them. Do you want to say that because the State of Indiana or any other State could not get the people who held her bonds to give them up at once you are going to beat the State out of the interest which they had to pay?

Now, for thirty-three years, in the case of the State of Indiana, the Government has been owing the State $635,000. There is no question of partial payments involved. Yet for that long time Indiana has been borrowing money and paying interest on it when she could have discharged $635,000 of her debt if the Government had paid her back—not any interest on the money she had paid out but the bare dollars and cents she paid out for the purpose of equipping troops and for the interest on the bonds that she paid. Not one State in this case is asking for a cent of interest.

Mr. GILLETT of Massachusetts. Will the gentleman allow me a question? He has explained this matter to me very satisfactorily except on one point, and that is whether the Government has paid interest after the time when the principal was paid.

Mr. HEMENWAY. Only as I have stated, to a very limited extent. It so happens that in the Maine case a number of partial payments were made.

[Here the hammer fell.]

Mr. CANNON. I will yield the gentleman another minute.

Mr. HEMENWAY. I simply want to answer the question. In the Maine case there were some partial payments made, but, as I have stated, in the Indiana case that consideration does not apply at all, nor in the Ohio case. It applies only to a limited extent in the Illinois and other cases. But in any event would you refuse to pay interest when the State could not take in her bonds?

Mr. GILLETT of Massachusetts. But if she has been getting interest on the Government money should she not make a rebate?

Mr. HEMENWAY. Then, I ask the gentleman, should not the Government pay us interest on the $635,000 that she has owed us for years?

Mr. GILLETT of Massachusetts. Certainly.

Mr. HEMENWAY. We are not asking that, and we have said that it wiped out over and over again any question of partial payments. I simply ask this House to be fair with the State. We are here at this late day, and why? Because it took special legislation to get this matter up, and that special legislation we only secured at this session, and it is only paying back to the States money that she advanced in order to help the Government in a time of distress.

[Here the hammer fell.]

Mr. CANNON. Now, Mr. Chairman, very briefly I want to enlarge a little bit on what the gentleman from Indiana [Mr. HEMENWAY] has said. I have the act of Congress that was passed in 1861 before me. It is as follows:

> That the Secretary of the Treasury be, and is hereby, directed out of any money in the Treasury to pay to the governor of any State, or his duly authorized agents, the costs, charges, and expenses properly incurred by such States for enrolling, subsisting, clothing, supplying, and transporting its troops employed in aiding to suppress the insurrections, * * * to be settled upon by vouchers, etc.

Now, then, the act of 1862 is substantially the same, but covers transactions before the act of 1861 was passed. Now, bear with me a minute. The State of Indiana under that law borrowed $2,000,000 in 1861–62, on twenty years' time at 6 per cent interest, sold the bonds at 15 per cent discount and besides some other expenses. Indiana has paid those bonds, principal and interest; paid them in 1868, or 1869, or 1870.

Mr. HEMENWAY. She had $80,000 paid in 1868.

Mr. CANNON. Very well. She has paid them all, principal and interest. Now, then, the Comptroller of the Treasury, away back years ago, said to Indiana, "You shall have your two millions, you shall have the net amount of money that you got on your two millions of bonds, but you must lose the discount, and notwithstanding you paid twenty years' interest, more or less, you shall not have your interest." Now, the same thing was said to the State of New York in a similar case. New York went to law and finally went to the Supreme Court, and the Supreme Court said by its solemn judgment as follows:

> It is as if the United States had borrowed the money through the agency of the State.

That is, the United States constituted the States its agents to borrow money. It follows that every cent such States were compelled to pay out on account of loans should be reimbursed to them by their principal, the United States, without any deduction or rebate whatsoever.

Now, then, the interest on the twenty-year bonds was not interest. It is principal, and all the decision does and all this $700,000 does is to have the United States pay back to Indiana the balance of the $2,000,000 and the interest up to the time the bonds were paid, none of them being paid after maturity. That was over twenty-five years ago, and the United States has owed Indiana $700,000 under the law as laid down by the Supreme Court, and in justice, and owed it for over a quarter of a century, and not one cent does this appropriation give Indiana for that interest for over a quarter of a century. It only makes Indiana whole on the bonds and the interest that she absolutely paid out, as I say, over a quarter of a century ago. Indiana is the loser. She is out the interest upon that amount for over twenty-five years. I say again that not one cent of interest do we propose to pay by this appropriation.

Mr. UNDERWOOD. I would like to ask the gentleman from Illinois a question. If the Comptroller in deciding this case and certifying this amount to the Appropriations Committee did not state and does not now state that if he had followed the decision

of the Court of Claims construing the New York case that the amount would be less than appropriated?

Mr. CANNON. No; what he said was this——

Mr. HEMENWAY. He said he followed the New York case.

Mr. CANNON. Followed the New York case. What next happened? Congress come in and legislated last February that we should follow the audit of the Court of Claims—for the State of Maine? No. The audit of the Court of Claims for the State of Maine said where the United States paid money to the State of Maine, although her bonds were not due, that the State of Maine should take it and apply it on her bonds as if they were due. Now, that is the Court of Claims audit.

Mr. UNDERWOOD. She got the benefit of that in the Treasury.

Mr. CANNON. With that audit what happened? This Congress, this session of Congress, directs that all these claims of States shall be reopened and settled according to what? The New York case decided by the Supreme Court. There is the decision, there is the legislation, and here is the audit, and still that does not give Indiana or Illinois or Ohio or Michigan one cent of interest on the amount that they paid and to which they were entitled under the decision of the Supreme Court twenty-five years ago. Now, with that statement I want to say that in my judgment the decision of the Supreme Court was right, and this audit is right under that decision and under the express direction of this Congress at this session. It is right in God's chancery, it is right in man's chancery, and I ask for a vote upon the amendment. [Applause.]

Mr. COWHERD. Will the gentleman yield for a question?

Mr. CANNON. If my time has not expired, I shall be glad to do so.

Mr. COWHERD. I want to know if it is not a fact that after the New York case was decided, and in accordance with the principles of law there laid down, the Court of Claims passed upon the Pennsylvania and New Hampshire and Maine cases?

Mr. CANNON. On the contrary, they did not, in accordance with the decision.

Mr. COWHERD. Well, they did in accordance with their idea of the decision.

Mr. CANNON. And they did not adjudicate anything. They only audited.

Mr. COWHERD. Did they not distinctly refer to the decision and quote it?

Mr. CANNON. It was directly in the teeth of the decision, and for that reason Congress steps in and says, "We will pay this according to the New York case," which was the Supreme Court case, in the terms which I read here this afternoon.

Mr. COWHERD. I should like to ask the gentleman further if this decision of the Comptroller is not an appeal from an adverse decision of the Auditor, following the Court of Claims.

Mr. CANNON. Oh, the Comptroller is always the last man to pass on an Auditor's account, and he reverses the Auditor three times a week on an average, I should think, and maybe more.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

Mr. BINGHAM. Is it proposed to vote on these four paragraphs in gross?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. SIMS]. If there be no objection the Clerk will report the amendment.

Mr. SIMS. There are four amendments.

Mr. CANNON. The first one settles them all in principle.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows;

Amend in lines 13, 14 and 15, by striking out $635,869.20 and inserting $287,015.95.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read down to line 6 on page 72.

Mr. BINGHAM (who had been standing during the reading). Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

Mr. SIMS. I offered four amendments, and only one has been voted on.

Mr. LIVINGSTON. It was agreed to vote on one and take that as a decision of the whole.

Mr. SIMS. That is perfectly satisfactory. I did not understand it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

Mr. BINGHAM. My amendment is to come in after line 24 on page 71.

Mr. LIVINGSTON. Too late, Mr. Chairman.

Mr. BINGHAM. I rose for the purpose of claiming recognition, and the Clerk went on.

The CHAIRMAN. The gentleman was standing, but the Chair did not understand for what purpose.

Mr. CANNON. I think you had better go back and let the amendment be offered.

The CHAIRMAN. Under the statement of the gentleman, the Chair will recognize him for the purpose of offering his amendment. The Chair saw the gentleman standing. The Clerk will report the amendment.

The Clerk read as follows:

Insert after line 24, page 71:

"*Provided*, That the like claims of the States of Pennsylvania, Maine, New Hampshire, Rhode Island, or other States for expenses incurred in raising volunteers for the war of the rebellion shall be reopened and reaudited and allowed by the Auditor of the War Department in accordance with the methods of interest calculations adopted by the Comptroller of the Treasury in the settlement of the claims of the States of Indiana, Illinois, Ohio, Iowa, and Michigan, and the said Auditor is directed to reopen the claims of all States not so audited and allow the same according to the method adopted by the Comptroller of the Treasury in the settlements heretofore referred to, notwithstanding the fact that any such State or States have accepted payments on items heretofore allowed them by any Auditor."

Mr. UNDERWOOD. I reserve the point of order, Mr. Chairman.

Mr. BINGHAM. Mr. Chairman——

The CHAIRMAN. There can be no debate upon this amendment. By order of the committee debate is exhausted upon this paragraph and all amendments.

Mr. BINGHAM. Then I ask unanimous consent for five minutes.

Mr. CANNON. I think that ought to be granted.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that he be allowed to speak for five minutes. Is there objection?

Mr. GROSVENOR. I want to suggest to the gentleman from Pennsylvania that we should dispose first of the pending amendments offered by the gentleman from Tennessee.

Mr. HEMENWAY. They are all disposed of.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. UNDERWOOD. Mr. Chairman, I presume that, if necessary, five minutes will be allowed on this side, and so I do not object.

There was no objection.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] reserves the point of order against the amendment, and the gentleman from Pennsylvania is recognized for five minutes.

Mr. BINGHAM. Mr. Chairman, of course I do not know what the gentleman's point of order is; but I believe the amendment which I have sent to the Clerk's desk is germane to the paragraph just passed under the heading for refunding to States expenses incurred in raising volunteers, because of its relation to the subject under consideration.

This committee within the past five minutes has established, in the sum total allowed for the five States of Iowa, Michigan, Indiana, Illinois, and Ohio, a certain finding and adjustment of accounts on a basis determined upon by the Comptroller of the Treasury.

You have adopted it, and I simply come in and ask that there may be an extension of that act of this committee.

Mr. UNDERWOOD. I understood the gentlemen on that side contended that they were only being settled with now on the same basis that you have been settled with.

Mr. BINGHAM. I am assuming that they are settled upon a different basis as to interest allowances. The claim of Pennsylvania was determined by the Court of Claims in the exact amount allowed in the urgent deficiency bill, approved February 14, 1902. Under the authority of said deficiency bill the Comptroller of the Treasury has determined the claims of the States included in the pending bill, and this committee has approved his findings and interest allowances upon a basis of calculation that will give the State of Pennsylvania a larger allowance than was given in the urgent deficiency bill of February 14, 1902.

This increased allowance will also run to the benefit of other States whose accounts are considered as settled under the Dockery law of 1894. A claim once settled can not be reopened unless by act of Congress. Therefore by your vote in committee five minutes ago you approve a settlement of these five States in the adjustment of interest allowances under the ruling of the Comptroller of the Treasury a larger allowance than other States whose claims are alleged to have been settled, and exclude us from reopening the same because the Dockery law runs.

Permit me to submit that the States that loaned the money to

the Government during the war are entitled to be settled all upon exactly the same basis; and whatever the ruling of the Comptroller is, and you have approved it, I claim that the States included in the deficiency bill on February last and other States settled with prior to that time have the right to have their cases reopened and readjusted on the rulings of the Comptroller accepted by this committee in the claims of States included in this bill.

Mr. RICHARDSON of Tennessee. Will the gentleman from Pennsylvania allow me?

Mr. BINGHAM. Certainly.

Mr. RICHARDSON of Tennessee. Is it perfectly clear that the gentleman is right in that statement? Because, if he is, I agree with him that his amendment ought to prevail, because the States ought to be settled with exactly alike and on the same basis.

Mr. BINGHAM. That is what I claim and all that I claim.

Mr. RICHARDSON of Tennessee. I understood the gentleman from Indiana a few moments ago to say that the claims were not alike, and that the adjustment now for the State of Indiana and these other States was exactly alike and followed the settlement in the case of the State of New York.

Mr. BINGHAM. The State of Pennsylvania is not different from the case of Indiana.

Mr. HEMENWAY. I stated that the settlement in the Indiana case and these cases now being settled was exactly like the settlement in the New York case.

Mr. RICHARDSON of Tennessee. Then why is there any necessity for the amendment offered by the gentleman from Pennsylvania?

Mr. HEMENWAY. The Court of Claims did not follow the New York decision in the settlement of the claims of Maine, Pennsylvania, New Hampshire, and some of the other States. They absolutely refused. If any intelligent man will read that decision and read the New York decision he can see that they did not follow it.

Mr. RICHARDSON of Tennessee. Will the State of Pennsylvania get anything under the amendment offered by the gentleman from Pennsylvania if it is adopted?

Mr. BINGHAM. Yes.

Mr. RICHARDSON of Tennessee. Why, if the settlement is to be the same along the same line?

Mr. HEMENWAY. It will not be along the same line.

Mr. UNDERWOOD rose.

The CHAIRMAN. For what purpose does the gentleman from Alabama rise?

Mr. UNDERWOOD. I have a point of order pending, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama reserved the point of order. Does he make it?

Mr. UNDERWOOD. I do; I make the point of order, and I desire to discuss it. I suppose there is no question about the point of order being well taken. I wish to state my reasons for insisting on it now. It seems that a little while ago it was contended to the House that we were only paying these claims by these various States according to the decision of the court. The Court of Claims decided the New Hampshire case and the Pennsylvania case was paid according to that decision, and the Court of Claims decided these cases, construing the New York case. That is the reason we contended a few minutes ago that this amendment should not be passed.

Mr. HEMENWAY. Mr. Chairman, in the New York case the Court of Claims decided one way and the State of New York appealed, and the Supreme Court reversed the Court of Claims. That was in the original litigation. Now, then, the Pennsylvania and these other cases went to the Court of Claims after having been reversed by the Supreme Court decision, not on the proposition laid down in that case.

Mr. MANN. They had lawyers, had they not?

Mr. HEMENWAY. The State of Pennsylvania as well as Illinois wants to have the case settled.

Mr. COWHERD. In response to the gentleman from Indiana that the Court of Claims did not follow the New York case, I want to read for his information:

> In the leading case of the United States *v.* The State of New York (160 U. S. Reports, p. 98) the Supreme Court laid down and established certain principles which are applicable to this case and to those of the other States and which control and determine the rights and liabilities of the parties.

The gentleman says that they proceeded to follow it out according to their own idea.

Mr. RICHARDSON of Tennessee. Then the gentleman from Indiana must be wrong.

Mr. COWHERD. There is a difference of opinion between the Court of Claims and the gentleman from Indiana.

Mr. HEMENWAY. I did not hear the statement of the gentleman.

Mr. UNDERWOOD. There is no question but what the New York case was decided, and the Pennsylvania case was considered in the Court of Claims subject to the New York case, and there the amount fixed, and their lawyers, failing to take an appeal, accepted it; that it was within the terms of the New York case. And, now, when these cases were referred to the War Department, the Auditor of the War Department said that under that decision of the Supreme Court in the New York case, in the Pennsylvania case they should receive less than was appropriated here. It was not until it came to the Comptroller that he added this additional amount.

Now, I do not think there is any doubt that the Comptroller went beyond the New York case and beyond the Court of Claims. I am going to insist upon my point of order. I will say to the gentleman that in this case the Senate of the United States may put this appropriation back where it ought to be, and if it does, then Pennsylvania ought to have nothing more; but if the Senate refuses; if it is attempted by Pennsylvania to get any more——

The CHAIRMAN. The Chair is ready to rule.

Mr. UNDERWOOD. One moment. If the Senate refuses then I would be willing to pay Pennsylvania nothing. But I say nothing more should be given than the courts have decided they are entitled to. I insist on the point of order.

Mr. OLMSTED. Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD] makes a point of order against the amendment proposed by my colleague from Pennsylvania [Mr. BINGHAM]. I am not sure that he stated his point of order; but if so, I was unable to hear it, owing to confusion in the Hall.

Mr. UNDERWOOD. That it is new legislation.

Mr. OLMSTED. By voting down the amendment offered by the gentleman from Tennessee [Mr. SIMS], this House, or rather the Committee of the Whole, has already indicated its intention to allow these items for the States of Indiana, Iowa, Michigan, Ohio, and Illinois.

The amendment simply provides that the accounts of the States of Pennsylvania, Maine, New Hampshire, and Rhode Island shall be adjusted upon the same basis. Whatever parliamentary technicality may be urged against the amendment, in this place and at this time, it is manifestly ungenerous and unfair to put the four States named in the amendment upon any different basis from that enjoyed by the States named in the bill.

I do not understand that there is any great dispute as to the law of the matter. In the case of the United States against the State of New York (160 U. S. Reports, 598), Mr. Justice Harlan, delivering the unanimous opinion of the Supreme Court of the United States, said, commencing on page 621:

> We can not doubt that the interest paid by the State on its bonds, issued to raise money for the purposes expressed by Congress, constituted a part of the costs, charges, and expenses properly incurred by it for those objects. Such interest, when paid, became a principal sum, as between the State and the United States—that is, became part of the aggregate sum properly paid by the State for the United States. The principal and interest so paid constitutes a debt from the United States to the State. It is as if the United States had itself borrowed the money through the agency of the State.

This appropriation bill, as it now stands, provides for the payment of the claims of the five States upon precisely that basis. We ask that Pennsylvania, Maine, New Hampshire, and Rhode Island shall be similarly treated. The Comptroller of the Treasury, in his opinion in the Indiana case, says that the Court of Claims was led into error in the Maine case "by adopting the calculation of an accountant, who no doubt is a good accountant, whose figures are no doubt correct, but who has not shown himself possessed of either a legal or an equitable mind." The same observation applies to the Pennsylvania case.

As will appear from Senate Document No. 321, page 29, the adjustment was made "by allowing the State interest from the dates of the several loans made by it to raise money necessary to organize and equip troops, for which the United States promised indemnity by the act of 1861 up to the date or dates when the Government recognized the claims, deducting therefrom the amount of direct tax chargeable against said State as of the date due and chargeable, to wit, June 30, 1862.

I call attention particularly to the phrase "up to the date or dates when the Government recognized the claims for the money so advanced." There was apparently a computation of interest upon the amount advanced by the State up to that time. The decision of the Supreme Court, however, in the New York case is to the effect that the interest paid by a State upon a loan made for the use of the General Government is, as between the State and the Federal Government, to be treated not as interest but as principal, and all the interest that the State had to pay is to be thus treated as principal. The State of Pennsylvania issued bonds payable in ten years, with interest payable semiannually. All the interest that the State had to pay during all those ten years was, as between the State and the United States, to be treated as principal.

But in the Pennsylvania case and also in the Maine case the computation was made by ascertaining how much the State had

borrowed for the General Government, then computing interest on that "up to the date or dates when the Government recognized the claims for the money so advanced." The proper way, under the decision of the Supreme Court, was to ascertain the entire amount expended by Pennsylvania, including not only the principal of the bonds but the full ten years' interest thereon, and treating this aggregate as the principal debt owed to the State by the United States.

From that amount there was properly deductible the direct tax chargeable against the State of Pennsylvania as of June 30, 1862. That is the method of computation approved by the Comptroller of the Treasury and applied to the cases of Indiana, Iowa, Michigan, Ohio, and Illinois in ascertaining the amounts which are appropriated to those States in this bill. That is simple justice as between the United States and the State of Pennsylvania, and between Pennsylvania and the five States named. The same principle applies also to Maine, New Hampshire, and Rhode Island. Pennsylvania borrowed this money at a lower rate of interest than the Federal Government was paying.

In order to sell the bonds she put in a clause exempting them from all State and local taxation. They were mostly taken by our own citizens, so that the State lost for ten years or more the taxation of that much capital otherwise taxable within her borders. For that we make no claim. We ask only to be put upon the same footing as other States, whose response to the call of the Government was no more prompt and whose citizens no more patriotic than our own. I trust that the gentleman will, as a matter of common fairness, withdraw his point of order and allow this amendment to be considered upon its merits.

The CHAIRMAN. This provision is clearly a legislative provision, and the Chair sustains the point of order.

The Clerk read as follows:

For miscellaneous expenses, United States courts, $134.10.

Mr. BOUTELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Insert after line 21, page 75, the following:
"For payment to John C. White for salary as chargé d'affaires ad interim at Rio de Janeiro, Brazil, from December 23, 1878, to June 30, 1880, $2,030.63."

Mr. LIVINGSTON. I make the point of order on that.

Mr. BOUTELL. I ask the gentleman from Georgia to reserve his point of order long enough for me to ask unanimous consent to insert in favor of this amendment a letter from the Secretary of State, showing on what this claim is based.

Mr. LIVINGSTON. Certainly.

The CHAIRMAN. The gentleman asks unanimous consent to insert a letter which he has indicated. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

DEPARTMENT OF STATE,
Washington, February 13, 1900.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo in which you request my views in reference to the bill (H. R. 1453) for the relief of John C. White on account of services rendered the Government of the United States as chargé d'affaires ad interim at Rio de Janeiro, Brazil, from December 23, 1878, to March 27, 1879, and from April 11, 1880, to June 30, 1880, inclusive.

The records of the Department of State show that Mr. White was appointed secretary of the legation of the United States at Rio de Janeiro, Brazil, on June 28, 1878, and tendered his resignation of the office on August 8, 1883, and that between those dates, in the absence of a minister, he acted as chargé d'affaires ad interim during the periods mentioned in the bill, viz, from December 23, 1878, to March 27, 1879, inclusive, and from April 11, 1880, to June 30, 1880, inclusive.

Previous to July 1, 1878, and subsequent to June 30, 1880, the law allowed and does now allow compensation to chargés d'affaires ad interim at the rate of 50 per cent of the amount of the minister's salary. But the act of Congress, approved June 4, 1878, making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1879, contained the following:

"That hereafter chargés d'affaires ad interim shall receive no additional pay beyond that which the law provides for the regular offices which they hold in their respective legations" (vol. 20, Stat. L., p. 92), and omitted, as did the corresponding act of the following year, approved January 27, 1879, any appropriation for such additional compensation.

Consequently, for the periods stated Mr. White received no compensation other than that which the law allowed for his office of secretary of legation, which, deducted from the amounts he would have received as chargé d'affaires ad interim, had the service been performed previous to July 1, 1878, or subsequent to June 30, 1880, makes his claim stand as follows:

By salary as chargé d'affaires ad interim from December 23, 1878, to March 27, 1879, inclusive	$1,565.74	
To salary as secretary of legation from December 23, 1878, to March 27, 1879	469.73	
		$1,096.01
By salary as chargé d'affaires ad interim from April 11, 1880, to June 30, 1880, inclusive	1,335.17	
To salary as secretary of legation from April 11, 1880, to June 30, 1880, inclusive	400.55	
		934.62
Total amount to which Mr. White is entitled if allowance be made for services as chargé d'affaires ad interim for periods stated		2,030.63

Mr. White's is but one of a number of similar claims which my predecessor, the Hon. James G. Blaine, recommended to the favorable consideration of Congress on February 18, 1890 (see House Ex. Doc. No. 225, Fifty-first Congress, first session). It appears, however, that Mr. White's claim for services from December 23, 1878, to March 27, 1879, was omitted from the accounts of claims accompanying that recommendation. This omission was doubtless unintentional, for, as already stated, the records of the Department show that he was during that period chargé d'affaires ad interim.

In connection with the general subject, I have the honor to call your attention to the provision made in the general deficiency act approved March 3, 1899 (Stat. L., vol. 30, p. 1214), for the payment of the like claim of Wickham Hoffman.

In view of the precedent established in his case, and the fact that the claims all stand on the same footing and are equally just and meritorious, the Department is of opinion that they should all receive the same treatment.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Hon. H. S. BOUTELL,
Committee on Claims, House of Representatives.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COWHERD. Mr. Chairman, I usk unanimous consent to return to page 20 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to page 20 for the purpose of offering an amendment. Is there objection?

Mr. GROSVENOR. Reserving the right to object, I would like to know what the amendment is.

Mr. COWHERD. The amendment I wish to offer is, on page 20, where it treats of telegraph and telephone service. I want to regulate the price of telephones in the District of Columbia.

Mr. GROSVENOR. I do not object.

The CHAIRMAN. The Chair hears no objection, and the Clerk will report the amendment.

The Clerk read as follows:

That from and after the approval of this measure it shall be unlawful for any person or company doing a telephone business in the District of Columbia to charge or receive for telephone service in excess of the rates following, that is to say: For measured service, 3 cents a message when the subscriber's telephone is upon a separate line and 2 cents a message when there are two or more telephones on the same line; for unmeasured or for flat-rate service over a metallic circuit, $50 per annum when there is but one telephone on a line; $40 per annum for each telephone, there being not more than two on a line; and $30 per annum for each telephone, there being two or more on a line, such charge in each case to include use of suitable telephone with necessary equipments and the cost of maintaining the same in good condition for service: *Provided*, That nothing herein contained shall be construed to apply to the rates to be charged for long-distance messages—that is, messages to or from points beyond the District of Columbia—or for the use of telephones on private lines, or any service which has for its purpose communication between telephones not connected with a telephone exchange: *And provided further*, That for the use of extra equipments, such as supplemental or desk telephones, telephone booths, or the like, furnished to any customer in addition to a suitable telephone and its necessary equipment, an extra and reasonable charge may be made therefor: *And provided further*, That where service shall be furnished to any point distant more than 2 miles from any telephone exchange of such person or corporation furnishing such service an extra charge may be made not to exceed 20 per cent of the rates above fixed for each half mile in excess of such 2 miles.

Mr. MANN (before the reading of the amendment was concluded). Mr. Chairman, that amendment has been read far enough to indicate its purpose. I make the point of order that it is not germane and that it changes existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANNON. I move that the committee now rise and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, and had directed him to report the same back with amendments and with the recommendation that the amendments be adopted and the bill as amended be passed.

The SPEAKER. Is a separate vote demanded on any amendment? [A pause.] If not, the Chair will submit the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 14411. An act to regulate commutation for good conduct for United States prisoners.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 640. An act to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892;

S. 5924. An act granting an increase of pension to Edwin Young;
S. 5748. An act granting an increase of pension to Thomas D. Utter;
S. 5741. An act granting a pension to Martha E. Kendrick;
S. 5650. An act granting an increase of pension to William R. Raymond;
S. 5424. An act granting an increase of pension to Cynthia J. Shattuck;
S. 5402. An act granting an increase of pension to Hiram H. Thomas;
S. 5302. An act granting an increase of pension to John H. Everitt;
S. 5263. An act granting a pension to Fannie Frost;
S. 5227. An act granting an increase of pension to Elizabeth Whitty;
S. 5206. An act granting an increase of pension to John M. Wheeler;
S. 5141. An act granting an increase of pension to Charles Barrett;
S. 5140. An act granting an increase of pension to Dudley Cary;
S. 5080. An act granting a pension to Hester A. Farnsworth;
S. 5065. An act granting a pension to Jemima McClure;
S. 5007. An act granting an increase of pension to James Irvine;
S. 6021. An act granting an increase of pension to Esther D. Haslam;
S. 1205. An act granting a pension to Isabella H. Irish;
S. 1458. An act granting an increase of pension to Linda W. Slaughter;
S. 2653. An act granting an increase of pension to Joshua Weaver;
S. 4934. An act granting an increase of pension to Francis M. McAdams;
S. 4912. An act granting an increase of pension to Maggie L. Reaves;
S. 4783. An act granting an increase of pension to Mary Breckons;
S. 4764. An act granting an increase of pension to Queen Esther Grimes;
S. 4710. An act granting a pension to Anna May Hogan;
S. 4709. An act granting a pension to Nelson W. Wade;
S. 4509. An act granting an increase of pension to Robert Lemon;
S. 4300. An act granting an increase of pension to Ann Comins;
S. 4190. An act granting a pension to Fredereka Seymore;
S. 4183. An act granting an increase of pension to Oceana B. Irwin;
S. 4064. An act granting an increase of pension to Betsey Gumm;
S. 3292. An act granting an increase of pension to Henry Loor Reger;
S. 3552. An act granting a pension to John A. Reilley;
S. 3997. An act granting an increase of pension to Otis A. Barlow;
S. 2769. An act to fix the fees of United States marshals in the Indian Territory, and for other purposes;
S. 6040. An act granting an increase of pension to John W. Craine;
S. 7. An act granting an increase of pension to W. H. Thomas;
S. 1132. An act granting an increase of pension to R. Sherman Langworthy;
S. 896. An act granting an increase of pension to James E. McNair;
S. 5466. An act granting an increase of pension to Edgar T. Chamberlin;
S. 332. An act granting an increase of pension to Louisa A. Crosby;
S. 2375. An act granting an increase of pension to Daniel Redinger;
S. 2289. An act granting an increase of pension to Benjamin S. Harrower;
S. 1184. An act granting a pension to Mary Florence von Steinwehr;
S. 2265. An act granting an increase of pension to William Kelley;
S. 2051. An act granting an increase of pension to Henry W. Tryon;
S. 2050. An act granting an increase of pension to Edward N. Goff;
S. 2048. An act granting an increase of pension to Lewis G. Latour;
S. 1981. An act granting an increase of pension to Thomas Hannah; and
S. 1980. An act granting an increase of pension to William D. Stiles.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. CASSEL, for six days, on account of important business.
To Mr. WEEKS, indefinitely, on account of important business.
To Mr. JOY, for two weeks, on account of important business.
To Mr. STEVENS of Minnesota, for five days, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers was granted in the following cases, no adverse report having been made:
To Mr. ACHESON of Pennsylvania, in the case of Joseph Bennett, Fifty-sixth Congress.
To Mr. WILEY, papers in relation to the bill (H. R. 1044) to donate to the State of Alabama the spars of the captured battle ships San Juan D'Austria and Almirante Oquendo.

RECESS.

The SPEAKER. The Chair desires to announce that the gentleman from Pennsylvania [Mr. DALZELL] will preside at the session of the House this evening.

Mr. CANNON. I move that the House take a recess until 8 o'clock.

The motion was agreed to; and accordingly (at 6 o'clock and 20 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House at 8 o'clock p. m. resumed its session, Mr. DALZELL in the chair as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The House is in session this evening, pursuant to a special order, for the consideration of bills reported from the Committee on Indian Affairs.

CHOCTAW AND CHICKASAW INDIANS.

The pending business was the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribe of Indians, and for other purposes.

The pending question was upon an amendment offered by Mr. WILLIAMS of Mississippi to an amendment of Mr. CURTIS.

Mr. WILLIAMS of Mississippi. In connection with my amendment, I merely wish to say that I submitted it to all the members of the committee who were upon the floor, and there is no objection to it. I think it ought to pass.

The question being taken, the amendment to the amendment was agreed to.

Mr. MCRAE. I now move to amend the amendment as amended by inserting between the word "Indian" and "who" the words "and the descendants of any person who received a patent of land under the said fourteenth article of the said treaty of 1830."

The amendment of Mr. MCRAE was read by the Clerk.

Mr. MCRAE. Mr. Speaker, when the treaty between the United States and the Choctaws of September 27, 1830, known as the "treaty of Dancing Rabbit Creek," was made there were many of the citizens of that tribe who were desirous to remain and become citizens of the States and were unwilling to leave their old home and move to the Indian country. On that account and to satisfy them the fourteenth article of said treaty, which is as follows, was inserted:

ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity.

It is known that many Choctaws remained in and have become citizens of the States, as they had the right to do under this treaty, and by so doing did not "lose the privileges of a Choctaw citizen." The right of all such in the lands of the tribe was just as secure as if they had removed with the tribe. But if they ever remove, says the treaty, they "are not entitled to any portion of the Choctaw annuity." In every other respect they have and should have the same rights as other members of the tribe if they do move.

The Government Indian agent, Colonel Ward, failed to make a correct list of the Choctaws who sought to avail themselves of the fourteenth article of the said treaty, and it is admitted that what is known as the "Ward register" shows only a small part of the applicants who within six months actually signified their intention of remaining in the States.

Congress, by the act approved March 3, 1837 (5 Stat., p. 180), authorized the appointment of a commission to adjust the claims

to reservations of lands under said fourteenth article of said treaty. And by the act approved August 23, 1842 (5 Stat., 513), another commission was appointed to adjust and provide for the satisfaction of claims under said treaty.

The evident purpose of both of these acts of Congress was to try to do substantial justice to the Choctaws who remained in the States by securing their property rights in the "States" under the fourteenth article of said treaty, and also preserving their rights in the common inheritance in the Choctaw Nation, should they or their descendants desire at any time to move there. Some of the applicants before Colonel Ward received patents for their lands and some did not.

The descendants of Samuel Cobb, one of those who got a patent, reside in my district, and they are among our best citizens. They believe that they have the legal and the just right to share in the Choctaw lands, and they have expressed a desire to move there and assume the burdens and enjoy the privileges of Choctaw citizens. They have applied to the Commission to be identified as Mississippi Choctaws under existing law, and have submitted what appears to be incontrovertible proof that they are the descendants of a Choctaw who received a patent to lands under the said treaty.

Upon this proof I insist that they should be identified without regard to the quantity of Indian blood in their veins. There is no question but that they have Indian blood, but they are not full bloods. The treaty of 1830 made no distinction between the full and mixed bloods, and we should be careful in our efforts to help the full blood not to hurt the mixed blood.

I agree to the idea that all full-bloods should be identified, for I think the fact that they are now full-bloods should be accepted as proof that their ancestors were also Choctaws. But I also insist that where the records of the General Land Office show that a certain Choctaw citizen received a patent to lands under the treaty of 1830 this record should also be received as proof that the party who so received it was a Choctaw and that his or her descendants, upon proof that they are such descendants, should be identified and allowed to make settlement with the view of receiving allotments.

The reason for the rule in one case is just as fair as in the other, and the record is more likely to impart verity. There was no purpose on the part of the United States to preserve the pure Choctaw blood. The question of intermarriage with the whites was not dealt with by Congress, It was left with the tribal government so far as those who moved West were concerned. The Choctaw laws not only permitted but encouraged intermarriage with whites.

As to those who remained in the States, the State laws controlled, and none of them prohibited intermarriage. If, then, Mississippi Choctaws had the right to remain in the States, and had the right to intermarry with the whites, why should the mixed-blood descendants not have all the rights of the full-blood?

Judge Clayton, in the Horne case, decided this very point in the following language:

> That all Mississippi Choctaws and their descendants were entitled, upon their removal to the Choctaw Nation, to all the privileges of a Choctaw citizen, except to the right to participate in their annuities. This right of citizenship being conferred by the treaty, no law afterwards enacted by the Choctaw council can deprive them of that right because it would be in conflict with the treaty which confers that right to them and their descendants, without reference to the quantity of Indian blood. If they are descendants of Choctaw ancestors, it is sufficient. (Ibid., 118.)

Congress, up to this time, has followed the rule laid down by Judge Clayton, and has carefully guarded the rights of the Mississippi Choctaws, and I hope nothing will now be done to impair such rights.

The treaty of 1866 had the following provision in it:

> ART. 13. The notice required in the above article shall be given, not only in the Choctaw and Chickasaw nations, but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws.
>
> *Provided*, That before any such absent Choctaw or Chickasaw shall be permitted to select for him or herself, or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom the selection is to be made, to become bona fide resident in the said nation within five years from the time of selection; and should the said absentee fail to remove into said nation and occupy and commence an improvement on the land selected within the time aforesaid, the selection shall be canceled, and the land shall thereafter be discharged from all claim on account thereof.

The act of June 28, 1898, provides that—

> Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior. (Fourth paragraph, sec. 21, act of Congress approved June 28, 1898.)

The act of May 31, 1900, preserves their right to make settlement until the approval of the final rolls by the Secretary.

> That any Mississippi Choctaw, duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment: *Provided further*, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void. (Indian appropriation act, approved May 31, 1900.)

Mr. CURTIS. Mr. Speaker, I hope the amendment offered by the gentleman from Arkansas [Mr. MCRAE] will not be adopted. The amendment offered by me is offered for the reason it will assist a lot of full-blood Indians who under no circumstances can establish their rights under article 14 of that treaty. Any person who is in possession of a patent can surely establish his rights under the treaty. By the amendment no presumption is raised against the claimants mentioned by the gentleman from Arkansas. If they have the patent and can show that it was given to their ancestors, they will have no trouble in establishing their rights before the Dawes Commission.

Mr. MCRAE. In answer to that, Mr. Speaker, I could with equal force say to the gentleman from Kansas [Mr. CURTIS] that those who are full blood, if they can prove that fact, will have no trouble; but that is the important question with them. You ask for them what I concede is right and proper as a concession for the full blood. Now, I tell you that by the treaty of 1830 there is no distinction between full blood and mixed blood.

Mr. CURTIS. That is true.

Mr. MCRAE. Those who were upon the roll in 1830, when the treaty was made, and who took lands under it, and they could not have gotten lands under that treaty without being on the rolls. It seems to me not unreasonable to ask the Government to accept the presumption fairly implied by its own records and to relieve these people of any further trouble. The committee has invoked this rule for full-blood people who have equitable and just claims, as I believe, and I make no objection to it as to them, but these other people of mixed blood, if you please, whose ancestors got patents, should be treated in the same way, and I shall insist that they shall be protected.

I am informed that only 7 out of 2,000 who have been admitted by the Commission have ever been able to show patents, and yet I speak for a family, I say, in my own district, whose applications have been filed though never passed upon, and if we are going to make a rule of evidence for one class of people I want to do what I can to see that the rights of my constituents are protected, and I only ask for them what you do for the others.

Mr. WILLIAMS of Mississippi. Mr. Speaker, there is one point that the gentleman from Arkansas, I think, has overlooked. That is, that there is no doubt about a full-blood Choctaw being a Choctaw. It is self-evident from looking at him. The committee are afraid, if you open the door, that there are a large number of white people pretending now to be Choctaws or the descendants of Choctaws who will make claims. Wherever they can do what the gentleman refers to there is no doubt of their right under the law as it is now.

Under this very measure now pending, if they can show that their ancestors received patents, show that they are the descendants of the Choctaws, who had received patents in 1830, then they are all right under this agreement; but this presumption was given by the amendment of the committee for the purpose of helping out those who were self-evidently Choctaws—Choctaws in blood, speaking the Choctaw language—who are a very ignorant and illiterate people, and who can not prove anything about their grandfathers or their great-great-grandfathers.

Mr. CURTIS. And in many cases the grandfathers did not take out patents.

Mr. WILLIAMS of Mississippi. In many cases the grandfathers did not take out patents and yet they are there. And by the way, they have retained their racial purity to a greater extent than the Choctaws in the Choctaw territory itself. The great overwhelming majority of them are full-blood Choctaws. I think the distinction between the two cases, and especially the distinction of danger and risk to the Treasury, is very patent.

Mr. MCRAE. But, Mr. Speaker, when the gentleman concedes that all the descendants of those who received patents ought to be admitted, he concedes all that I ask.

Mr. WILLIAMS of Mississippi. I do not concede that.

Mr. MCRAE. I will join you in any effort to keep off from the Indian rolls every man who is not entitled to be there, but when claimants can make this proof by our own records, there ought to be no objection to it. It, in effect, says those who can prove by patents that their ancestors took lands under the treaty are entitled to the presumption that they are Choctaws. There are but few of them not on the rolls.

Mr. WILLIAMS of Mississippi. There are a great many, I will state to the gentleman, who are making claims.

Mr. MCRAE. But they can not prove that their ancestors got

patents. The attorney for the Choctaws tells me that out of 2,000 cases acted upon by the Commission only 7 have shown that their ancestors took patents. Now, when the records show who took patents, that should settle it. They do not show all, perhaps, who were entitled to them, but there is no presumption against those; it is only in favor of those who did.

Mr. WILLIAMS of Mississippi. Does your amendment simply involve those who can show that their ancestors took patents?

Mr. McRAE. Only those who can show that their ancestors took patents; and it seems to me that common fairness to both sides ought to make this amendment agreeable to everybody. The Indians ought to be willing to accept it.

Mr. SHERMAN. Mr. Speaker, let us have the amendment reported again. Perhaps we misunderstood it.

Mr. McRAE. That is all there is in it.

The SPEAKER pro tempore. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. CURTIS. I withdraw my objection to the amendment.

Mr. WILLIAMS of Mississippi. I misunderstood the intendment of the amendment.

The SPEAKER pro tempore. The question is upon agreeing to the amendment offered by the gentleman from Arkansas [Mr. McRAE] to the amendment offered by the gentleman from Kansas [Mr. CURTIS].

The amendment to the amendment was agreed to.

Mr. McRAE. Now, Mr. Chairman, I offer one other amendment which makes that complete, right at the end of the amendment.

The SPEAKER pro tempore. The gentleman from Arkansas also offers the following amendment:

The Clerk read as follows:

Add to the amendment the following words:
"Or who is not the descendant of a person who received a patent to land under the said treaty."

Mr. McRAE. It is the same thing, except to round out the last part of it.

Mr. LACEY. How would that then read?

The Clerk read as follows:

So that it will read:
"And shall not be invoked by or operate to the advantage of any applicant who is not of the full blood, or who is not the descendant of a person who received a patent to land under the said treaty."

Mr. WILLIAMS of Mississippi. That is all right.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Arkansas [Mr. McRAE] to the amendment offered by the gentleman from Kansas [Mr. CURTIS].

The amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the amendment offered by the gentleman from Kansas [Mr. CURTIS] as amended.

The amendment as amended was agreed to.

Mr. FLYNN. Mr. Speaker, on page 39, line 4, after the words "nineteen hundred," I move to strike out all down to and including the word "agreement," in line 14.

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 4, page 39, strike out, after the figures "1900," all of the proviso down to and including the word "agreement," in line 14.

The amendment was agreed to.

Mr. CURTIS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out in line 6, on page 6, after the word "under," the following word, "that," and insert in lieu thereof the word "this."

The SPEAKER pro tempore. Without objection, the amendment will be agreed to.

There was no objection.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to withdraw the committee amendment on page 6, in line 19, that I send up to the Clerk's desk.

The Clerk read as follows:

On page 6, line 19, strike out the following words, "after thirty days' notice by the Commission, then."

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to withdraw the committee amendment just reported. Is there objection? [After a pause.] The Chair hears none.

Mr. CURTIS. I offer the following amendment, Mr. Speaker.

The Clerk read as follows:

Insert in line 9, page 7, after the word "Nation," the following: "as provided by the terms of this agreement.

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment, Mr. Speaker.

The Clerk read as follows:

In line 19, page 9, change the word "allottees" to "allottee."

The SPEAKER pro tempore. Without objection, the amendment will be agreed to.

There was no objection.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to withdraw the committee amendment on page 35.

The Clerk read as follows:

Disagree to committee amendment on page 35, line 6, which is to strike out the words "member of the Choctaw or Chickasaw Nations" and insert the word "persons."

The motion was agreed to.

Mr. CURTIS. I offer the following amendment, Mr. Speaker.

The Clerk read as follows:

Strike out in line 14, page 39, all after the word "agreement" down to and including the word "tribes," on page 40, line 13.

Mr. CURTIS. I will state, Mr. Speaker, for the benefit of the House, that we strike it out for the reason that a bill passed last night covered the same subject.

Mr. FITZGERALD. That has already gone out on the motion of the gentleman from Oklahoma.

Mr. CURTIS. The motion of the gentleman from Oklahoma did not cover that.

The SPEAKER pro tempore. The gentleman from Kansas moves to amend the committee amendment, as the Clerk has already reported.

The motion was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment as amended.

The amendment as amended was agreed to.

Mr. CURTIS. I move the following amendment.

The Clerk read as follows:

Strike out, in line 7, on page 50, the words "ten days" and insert in lieu thereof the following words: "ninety days."

The amendment was agreed to.

Mr. LITTLE. Mr. Speaker, I desire to ask unanimous consent to withdraw the committee amendment on line 21, page 5 of the bill, and before it is submitted to the House I desire to state that this provision provided for the sale of the surplus lands of the Choctaw and Chickasaw nations. I desire to call the attention of the gentleman from Texas [Mr. STEPHENS] to it, as I believe it was he who offered the amendment, providing that no sale shall be made to any one person of more of this land than 160 acres.

What I want to say, and as I am advised, is that the lands that will be surplus lands in the Choctaw and Chickasaw nations when the allotments shall have been made are mountain lands in the southeast corner of the Territory. As I understand, there are probably 50 miles square in the Kiamishee Mountains. I do not suppose there are 160 acres of agricultural land that could be had together on it. As I understand and believe, and as it is represented to me, if they are restricted to the sale of 160-acre lots, it is practically a denial of sale.

Mr. STEPHENS of Texas. I will ask the gentleman, if you are not going to put some reference in restriction to the sale? Might they not sell a hundred thousand acres of this land, which would be valuable for the timber?

Mr. LITTLE. I suppose that would be a good idea, because it is simply an immense mountain tract. It would make a splendid game preserve, and we have heard a great deal about that here lately. I have been on these mountains to some extent, and have some personal knowledge about them. The fact is, I do not see how we can make a limit and make any fair sale. If there is any mineral in the land, I do not know anything about it.

Mr. STEPHENS of Texas. Will you object to 640 acres, then?

Mr. LITTLE. I will not object; but if the facts are as I understand them, while that will not be as objectionable as 160 acres, if we want to sell the land it is as a large body that the best sale can be made, and it will be left to the discretion of the Secretary. I ask to withdraw the amendment.

Mr. STEPHENS of Texas. I have no objection to that.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "until," page 5, "not to exceed 160 acres to any one purchaser."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none.

Mr. CURTIS. Now, Mr. Speaker, the question is on the committee amendment that has not been acted upon. I ask that they be submitted in gross.

The SPEAKER pro tempore. By unanimous consent, the committee amendments will be submitted in gross. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the committee amendments were agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. SHERMAN, the motion to reconsider the last vote was laid on the table.

ALLOTMENTS OF LANDS IN UMATILLA RESERVATION, OREG.

Mr. SHERMAN. Mr. Speaker, I now call up the bill (H. R. 9501) to provide for the sale of the unsold portion of Umatilla Indian Reservation.

The Clerk read the bill, as follows:

Be it enacted, etc., That all the lands of the Umatilla Indian Reservation not included within the new boundaries of the reservation and not allotted or required for allotment to the Indians, and which could not be sold at the public sale of said lands heretofore held at the price for which they had been appraised, and upon the conditions provided in an act entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," shall be sold at private sale by the register of the land office in the district within which they are situated, at not less than the appraised value thereof, and in conformity with the provisions of said act, except that each purchaser of said lands shall be entitled to purchase one section or any subdivision thereof of untimbered lands, and 160 acres of any subdivision thereof of timbered land, and no more; and that residence or actual occupation by the purchaser of the lands purchased shall not be required.

The following committee amendments were read:

In line 6, on page 1, strike out the first word "could" and insert the word "were," and in the same line strike out the word "be" after the word "not."

In line 1 of page 2 strike out all of the bill after the word "act," and insert the following in lieu thereof:

"*Provided*, That any bona fide settler upon any of said lands who is the owner of substantial improvements thereon, and who has so settled and improved any subdivision of said lands, with the intent of permanently residing on the same as a homestead, shall have a preference right to buy the lands so settled upon by him at any time within ninety days after the passage of this act, upon making satisfactory proof in the local land office as to settlement, intent, and improvements."

The report (by Mr. MOODY of Oregon) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 9501) to provide for the sale of the unsold portion of the Umatilla Indian Reservation, having had the same under consideration, beg leave to report it back to the House with the recommendation that, with certain amendments, the bill do pass.

The amendments referred to are as follows:

In line 6, on page 1, strike out the first word "could" and insert the word "were," and in the same line strike out the word "be" after the word "not."

In line 1 of page 2 strike out all of the bill after the word "act," and insert the following in lieu thereof:

"*Provided*, That any bona fide settler upon any of said lands who is the owner of substantial improvements thereon, and who has so settled and improved any subdivision of said lands, with the intent of permanently residing on the same as a homestead, shall have a preference right to buy the lands so settled upon by him at any time within ninety days after the passage of this act, upon making satisfactory proof in the local land office as to settlement, intent, and improvements."

The bill as amended will read as follows:

"A bill to provide for the sale of the unsold portion of the Umatilla Indian Reservation.

"*Be it enacted, etc.*, That all the lands of the Umatilla Indian Reservation not included within the new boundaries of the reservation and not allotted or required for allotment to the Indians, and which were not sold at the public sale of said lands heretofore held at the price for which they had been appraised, and upon the conditions provided in an act entitled 'An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes,' shall be sold at private sale by the register of the land office in the district within which they are situated, at not less than the appraised value thereof, and in conformity with the provisions of said act: *Provided*, That any bona fide settler upon any of said lands who is the owner of substantial improvements thereon, and who has so settled and improved any subdivision of said lands, with the intent of permanently residing on the same as a homestead, shall have a preference right to buy the lands so settled upon by him at any time within ninety days after the passage of this act, upon making satisfactory proof in the local land office as to settlement, intent, and improvements."

Under the provisions of the act of March 3, 1885 (23 Stat. L., 340), certain lands which formed a portion of the Umatilla Indian Reservation, in the State of Oregon, and improvements existing on certain tracts thereon were sold at auction, in accordance with the provisions and limitations of said act and the amendment thereto by the act of June 29, 1888 (25 Stat. L., 239). In the act it was provided that none of the lands should be sold at less than the appraised value thereof, the appraisement of the same being provided for in said act. The total number of acres appraised and offered for sale was 126,335.46, of which but 33,252.68 acres went under the hammer, thus leaving 93,082.78 acres unsold, and which are unsold to this date.

There was no provision in the act of 1885 that permitted of the disposal of the lands remaining unsold after the public auction, which was held in April, 1891. Various reasons conspired to prevent bidders from buying the lands at the public auction, some of which do not now exist. The unsold lands are chiefly mountainous, being grazing and timbered lands, with a small proportion of good farming lands, much of which, it is believed, can now be sold at the appraised valuation, which ranges from $1.25 to $25 per acre.

Since the reservation was diminished and the sale provided for as aforesaid many persons have settled upon the unsold portions and have been farming them. Neither the Indians, who are entitled to the proceeds from the sale of the lands, nor the Government, in which the title is held subject to the trust, is receiving anything for the lands or their use. By the sale of the lands as provided for in this bill a large quantity of very valuable land would be added to the taxable property of Umatilla County, Oreg., and permanent homes would be provided for a large population.

Under present conditions the occupants of the land can claim no benefit from the county in the way of roads, nor can they secure protection from the State in the quiet occupancy of said land, and the Government can not be looked to for relief in any direction. The effect of the sale provided for by the bill would be to quiet titles and to give the bona fide settler the full protection of the law in securing a home for himself and those who come after him, and would put an end to disputes and controversies over title and occupancy, which now have no forum to which they may be taken and there settled.

The amendment to the bill is designed to fully protect any bona fide settler who in good faith has gone upon these lands with the intent to secure a homestead and who desires to purchase the amount of land allowed to a single purchaser under the original act. Those who have been working portions of the land for the past years and have put improvements upon the land occupied by them should not be dispossessed without an opportunity to first come as a purchaser within the limitations of the law.

It will also be noted that the bill fully protects the rights of the Indians by referring to and being limited by the terms of the original act as to the valuation at which the land shall be sold and the terms of purchase by the private sale herein provided for.

A letter from the honorable Secretary of the Interior and one from the Commissioner of the General Land Office are appended hereto and made a part of this report. The bill has been drawn to conform with the suggestions of the honorable Secretary.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 24, 1902.

SIR: Referring to your personal request of the 22d instant, I have the honor to advise you that:

The whole number of acres of the Umatilla Indian Reservation lands in Oregon was 126,335.46 and the total appraised value thereof was $245,624.21.

The number of acres sold at the offering in 1891 was 33,252.68 and the total cash receipts therefor was $220,414.73.

The number of acres remaining unsold, including about 11 acres granted to the Oregon Railway and Navigation Company by the act of October 17, 1898 (25 Stat. L., 559), and for right of way for a ditch or canal granted to the Umatilla Irrigation Company by act of February 10, 1891 (26 Stat. L., 745), is 93,082.78, and the appraised value thereof is $120,560.07. The appraised price of the unsold lands ranges from $1.25 to $25 per acre, or an average price of about $1.30 per acre.

Very respectfully,

BINGER HERMANN, *Commissioner.*

Hon. MALCOLM A. MOODY,
House of Representatives, United States.

DEPARTMENT OF THE INTERIOR,
Washington, May 16, 1900.

SIR: Under date of the 6th ultimo you referred to this Department for report thereon for the information of your committee Senate bill 2210, entitled "A bill to provide for the sale of the unsold portion of the Umatilla Indian Reservation." H. R. 8197, having a similar title and identical in terms, has also been referred to this Department by the Committee on Indian Affairs of the House of Representatives for report, and I have the honor in reply to said reference to submit the following:

Sections 2 and 3 of the act of March 3, 1885 (23 Stat. L., 340), as amended by the twelfth section of the act of June 29, 1888 (25 Stat. L., 239), authorized the sale of a portion of the Umatilla Indian Reservation lands, and also the improvements existing on certain tracts thereof, at the appraised value.

In accordance with the law and the instructions approved March 6, 1891, the lands in question were offered for sale in April, 1891, at the agency on said reservation in Umatilla County, Oreg., to the highest bidder at not less than the appraised value, and in no case at less than $1.25 per acre.

The total number of acres appraised was 126,335.46.

The total number of acres sold was 33,252.68.

The total number of acres unsold is 93,081.78.

The act of 1885, supra, does not appear to contain any specific provisions as to the manner of disposing of the lands of said reservation which remained unsold for want of purchasers at the public sale held in April, 1891.

The provisions of these bills being at variance with those of the original act under which the former sale of a portion of these lands was made, and being also a departure from the usual policy of Congress in disposing of unallotted Indian lands, and no reason appearing for such variance or change, I referred the matter to the Commissioner of Indian Affairs on the 20th ultimo and directed him to cause an investigation to be made through the agent in charge of the Umatilla Agency at Pendleton, Oreg., as per instructions in my letter of the 20th ultimo (copy herewith).

I am now in receipt of a letter from the Commissioner of Indian Affairs, dated the 12th instant, inclosing the report of the agent at Pendleton, copies of each of which I inclose herewith.

From the report of the agent it would appear that these lands can now be readily sold in quarter, half, or section tracts; that by selling in half or quarter sections more actual settlers, doubtless, would be benefited; that many of the lands are valuable for agriculture and can be resided on, as is evidenced by the fact that they are now largely occupied by squatters.

It would seem, therefore, that good reason exists for departing from the terms and conditions prescribed in the original act of March 3, 1885 (23 Stat. L., 340), and I have therefore to recommend that in lieu of the pending bill the following be substituted and enacted into law.

"*Be it enacted, etc.*, That all the lands of the Umatilla Indian Reservation not included within the new boundaries of the reservation and not allotted or required for allotment to the Indians, and which were not sold at the public sale of said lands heretofore held at the price for which they had been appraised, and upon the conditions provided in an act entitled 'An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation in the State of Oregon, and granting patents therefor, and for other purposes,' shall be sold at private sale by the register of the land office in the district within which they are situated, at not less than the appraised value thereof, and in conformity with the provisions of said act."

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Hon. J. M. THURSTON,
Chairman Committee on Indian Affairs, United States Senate.

Mr. MADDOX. Mr. Speaker, I want to ask why they do not sell the land at public sale?

Mr. SHERMAN. I was about to say that the original act provided for its being sold at auction, and not one-half of it has ever been sold. The act made no provision how it was to be sold, unless it was taken in that way, and this bill provides that it shall be sold at the appraised value and the money to go into the Treasury for the benefit of the Indians.

Mr. MADDOX. Could it not be sold at public sale?

Mr. SHERMAN. One-quarter of it has been sold and the rest never has been sold. The original act only provided for sale at

public auction. This is to provide that the balance can be sold at the appraised value.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERMAN, the motion to reconsider the last vote was laid on the table.

ALLOTMENT OF LANDS, ETC., OF THE LAC COURTE OREILLE RESERVATION, WIS.

Mr. SHERMAN. Mr. Speaker, I now call up House bill 10698, providing for allotments of lands in severalty to the Indians from the Lac Courte Oreille Reservation in the State of Wisconsin.

The Clerk read the bill, as follows:

Be it enacted, etc. SECTION 1. That with the consent of the Chippewa Indians of Lake Superior, located on the Lac Courte Oreille Reservation in the State of Wisconsin, to be obtained in such manner as the Secretary of the Interior may direct, the President may allot to each Indian now living and residing on said reservation and entitled to so reside, and who has not heretofore received an allotment not exceeding 80 acres of land, such allotments to be subject in all respects, except as to the age and condition of the allottee, to the provisions of the third article of the treaty with the Chippewas of Lake Superior and the Mississippi, concluded September 30, 1854.

The following report (by Mr. BROWN) was read:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 10698) providing for allotment of lands in severalty to the Indians of the Lac Courte Oreille Reservation, in the State of Wisconsin, beg leave to submit the following report, and recommend that said bill do pass with the following amendments:

First. That the title of the bill be amended so as to read as follows: "A bill providing for allotment of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations, in the State of Wisconsin."

Second. That the third line on page 1 be amended by inserting the words "Section one" before the word "That;" so that it will read as follows: "Section 1. That with the consent of the Chippewa Indians of Lake Superior," etc.

Third. Section 2. That the provisions of section 1 of this act shall also, under same terms and conditions, apply to the Chippewa Indians of Lake Superior located on the Lac du Flambeau Reservation, in the State of Wisconsin.

This is a bill providing that, with the consent of the Chippewa Indians of Lake Superior, located on the Lac Courte Oreille and Lac du Flambeau reservations, in the State of Wisconsin, there may be allotted to each Indian now living on said reservations not exceeding 80 acres of land.

According to the 1900 report of the Indian agent in charge there are 1,154 Indians on the Lac Courte Oreille Reservation—702 allotments, covering 49,040 acres, leaving 20,096 acres unallotted; and according to the same report there are 795 Indians on the Lac du Flambeau Reservation—458 allotments, covering 36,248 acres, leaving 33,655 acres unallotted.

The passage of this bill is recommended by the United States Indian agent in charge of the Indians, the Commissioner of Indian Affairs, and the Secretary of the Interior.

A similar bill, providing for allotments to the Chippewa Indians of the Bad River Reservation, Wis., was approved by the President on February 11, 1901 (31 Stats., 766).

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the title will be amended.

There is no objection.

On motion of Mr. SHERMAN, the motion to reconsider the last vote was laid on the table.

NAVAJO INDIAN RESERVATION, ARIZ.

Mr. SHERMAN. Mr. Speaker, I now call up the bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

The Clerk read the bill, as follows:

Be it enacted, etc., That all lands claimed by actual settlers or persons to whom valid rights attach, who settled upon or occupied any part of the public lands of the United States prior to the date of the Executive order of January 6, 1880, extending the boundaries of the Navajo Indian Reservation, in the Territory of Arizona, and which were included in said Executive order, are hereby excepted from the operations thereof, and said settlers are hereby granted authority to establish their rights and secure patents for any of said lands to which they have a valid title under the public-land laws of the United States.

Mr. CANNON. Mr. Speaker, let us understand about this.

Mr. SHERMAN. I will yield to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Speaker, I want to say that this involves but one farm, which belongs to a man that has lived there for a great number of years. Nothing is involved in this bill except this farm that belongs to the man who has lived there, as I say, for a large number of years, and the reservation was extended over his place.

Mr. CANNON. How much land is involved?

Mr. SMITH of Arizona. Not more than a hundred acres; I do not think there is that much. He has lived on the reservation all these years, and it is recommended by the Department.

Mr. CANNON. Then why not make it specific and provide for his relief? This says, "That all lands claimed by actual settlers or persons."

Mr. SMITH of Arizona. Well, if there are any more in the same condition, where the reservation has been extended over their places by Executive order, the gentleman from Illinois would not raise an objection, would he, and especially where he has lived on the land for such a length of time?

Mr. CANNON. I would not want to discriminate against anybody unjustly, and still I do not want to encourage the establishment of shadowy claims.

Mr. RODEY. Mr. Speaker, I know all about this claim, and it is absolutely just and right.

Mr. CANNON. Very well. I will take the word of two gentlemen that know all about it. I did not.

Mr. LACEY. I have an impression that we passed this bill in the Fifty-sixth Congress.

Mr. SMITH of Arizona. We did.

Mr. LACEY. Did it fail in the Senate?

Mr. SMITH of Arizona. Yes.

Mr. LACEY. I was under the impression that it became a law at that time.

Mr. MORRELL. I should like to have some information in regard to this land-grabbing bill.

Mr. SMITH of Arizona. I will give the gentleman from Pennsylvania the information he asks for as to "this land-grabbing bill." There was a gentleman who twenty years ago, or longer, settled on a desert place in the Territory of Arizona. He "grabbed" some land about the size of a small homestead. Long years afterwards, and when he had invested his all in what he had "grabbed," the Government extended an Indian reservation over his place.

Mr. RODEY. By proclamation of the President.

Mr. SMITH of Arizona. Yes; by proclamation of the President. This man had established his store there and was living in peace and moderate comfort. Now, the Department says that that man ought not to be turned out of that land, which he "grabbed" before the Indians ever had a sign of a claim to it. This is the only case of the kind in Arizona. The Department says that this was a just "grab" on the part of this man. Let me say to my friend from Pennsylvania that I would not try to "grab" land from the Government or from any individual. I am acquainted with the facts in this case, and I know it to be just. The bill is recommended by the Interior Department.

Mr. MORRELL. If the Government has taken from this man what justly belonged to him, then he has a claim against the Government.

Mr. SMITH of Arizona. The Government has not taken it from him; he is still on the land. But he wants his title secured to him.

Mr. MORRELL. That should not dispossess the Indians of their right.

Mr. SMITH of Arizona. It does not do so, because the Indians never had a right there.

Mr. MORRELL. If the Government has done what it had no right to do, then this man's claim lies against the Government and not against the Indians. He has, as I understand, been placed in possession of this land under a law of the Government.

Mr. SMITH of Arizona. My friend does not understand the relation——

Mr. MORRELL. I do understand.

Mr. SMITH of Arizona. My friend does not understand the relation of the Government as to these claims when we make an extension of a reservation over them. We do not necessarily oust the man at once; but he may remain there with a cloud upon his title, which may eventually turn him out. In this case the man has not been turned off the land. He simply wants to have his title made secure to land which he has held these long years. There is no Indian claim involved. The Indians have never made any claim to this land.

Mr. LACEY. I would like to suggest in this connection that since this Cotton bill first came forward there has been a construction placed upon the extension of the Navajo Reservation by Executive order, in an opinion handed down by Assistant Attorney-General Vandeventer and approved by the Secretary of the Interior, holding that President Arthur's order did not include any of the lands that were occupied and claimed at the time of the Executive order, because there was an express reservation to that effect.

Since that controversy arose a determination has been made of record in a proceeding brought by some claimants of mineral lands, the mineral lands being in the possession of the claimants, just as this homestead was in the possession of Mr. Cotton. Possibly there is no necessity since that decision for action at all, but before that decision was rendered the Secretary of the Interior had put the seal of his approval upon this attempt to quiet the title of Cotton and all other parties that have since then purchased.

Mr. MORRELL. Well, then, let Cotton bring his action in the way the others have brought theirs.

Mr. SMITH of Arizona. What action could he bring? He could not sue the Government. He can not sue it; there is no provision for him to sue. If the gentleman understood the hardship of this man, he would not make these objections.

Mr. RODEY. Mr. Speaker, I desire to say for the benefit of the gentleman from Pennsylvania [Mr. MORRELL] that the gentleman who is living on this place was here this winter in the interests of this bill with the gentleman from Arizona [Mr. SMITH]; that I know him and his relatives, and have for twenty years last past; that he is the best friend the Indians have; that there has never been a complaint against him in all the years he was near that reservation before they extended the reservation over him, nor has there been since, as the gentleman from Arizona [Mr. SMITH] has well pointed out; that ever since this controversy has arisen the Department has conceded he has a right to his title, and all this bill is intended to do is to give him that title.

He has never had a complaint against him, and my friend from Pennsylvania will find his record clear, and that he is one of the best friends the Indians have. All he wants is this cloud lifted from his ranch—that is, the title to these lands. The Government has no title now against him; he has all but the fee, and the Indians absolutely never had any at all to the place.

Mr. CANDLER. Will the gentleman tell us, then, how he got possession of it?

Mr. RODEY. He obtained possession of it in the same way that anybody else could. It was vacant lands in Arizona. That is what it was at the time he went there. He went there and opened a store, stayed there for years, and was proceeding to get his title when they extended this reservation by Executive proclamation completely around him, and ever since he has been entitled to his patent, but for some reason he could not get it issued.

Mr. MORRELL. Why?

Mr. RODEY. I do not know.

Mr. CANDLER. Were the Indians ever in possession of it?

Mr. RODEY. Never.

Mr. SMITH of Arizona. The Indian is not being hurt by this.

Mr. CANDLER. How long has he been there?

Mr. RODEY. Twenty years.

Mr. CANDLER. In peaceable and undisturbed possession?

Mr. RODEY. Yes.

Mr. CURTIS. He has been there since 1878.

Mr. SMITH of Arizona. Yes.

Mr. RODEY. He is not a man who injures the Indians; he is their friend. He has the best record I think there can be found in the Department for obeying the law and regulations. There is not a drop of whisky around his place ever sold to Indians.

Mr. SMITH of Arizona. Mr. Speaker, I call for a vote.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

MIAMI INDIANS OF INDIANA.

Mr. SHERMAN. Mr. Speaker, I now call up the bill (H. R. 8130) for the relief of the Miami Indians of Indiana, which I will ask the Clerk to read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Miami Indians of Indiana, interest at the rate of 5 per cent per annum upon the principal sum paid said Miami Indians by act of March 2, 1895, from the time said money, due them under treaty stipulations, was taken from their tribal funds and paid to other persons not entitled to it: *Provided*, That the Secretary of the Interior shall identify the Indians to whom payments are made under this act, by correspondence or by data in his Department, and forward to said Indians the several amounts due them by checks or drafts.—

Mr. CANNON. Mr. Speaker, I think we ought to know something about that bill.

Mr. SHERMAN. Mr. Speaker, I suggest that the report be read.

The SPEAKER pro tempore. Without objection, the report will be read, in the time of the gentleman from New York.

There was no objection.

The Clerk read as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8130) for the relief of the Miami Indians of Indiana, beg leave to submit the following report and recommend that said bill do pass without amendment:

This is a bill enacting that there be paid to the Miami Indians of Indiana interest at the rate of 5 per cent on certain sums of money which were paid from their funds to certain persons who were not entitled to any part of said funds. This money was taken from the Miami Indians without their consent and against their protest, and your committee believe that under the circumstances these Indians should be paid interest on the amount of money taken from their funds. The money was taken between the years 1859 and 1867. Just the amount the interest will reach is not known to your committee, but the same will be in the neighborhood of $20,000 and can be computed by the proper accounting officers.

Mr. MADDOX. Mr. Speaker, I would suggest that if the committee can not themselves tell what this is, I do not think we should be expected to know. I would like to have the gentleman give us an explanation.

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from Indiana [Mr. STEELE] to explain the bill.

Mr. STEELE. Mr. Speaker, this bill is to reimburse the Miami Indians of Indiana for interest on money taken from the Indians unlawfully during the time the money was kept from them. By a treaty of 1854 it was provided that the Miami Indians should have the interest on $200,000 per year until 1880. The treaty provided that none others than those named in the treaty should participate either in the principal or in the interest. This $200,000 they were to have in 1880, and they were to have the interest on that sum at 5 per cent until that time.

Now, in violation of that treaty, first 67 Indians and finally 138 Indians were added to the roll who were not named in the treaty at all. In 1867 those Indians who were illegally put on the roll were stricken from the roll and the principal, to which those named in the treaty were entitled, was paid back to them. But the interest, to which they were entitled for this period, was not returned to them at all.

Now, this bill provides that they shall have so much of that interest as the Secretary of the Interior shall find belongs to them, and it shall be paid to the Indians directly by the Secretary of the Interior, either by check or draft, so that nobody can have anything to do with it at all except the Indians entitled to it, and the bill only gives them what the Secretary of the Interior shall find they are entitled to. That is all there is to this bill.

Mr. PERKINS. I should like to ask the gentleman a question. What was the rate of this interest?

Mr. STEELE. Exactly the same interest that was provided for in the treaty—5 per cent. It only gives them the same interest that they were entitled to under the treaty and that they would have had if the money had been left alone and not taken away from them.

Mr. PERKINS. Did they receive 5 per cent?

Mr. STEELE. They received 5 per cent on a part of it, but they did not get what is provided in this bill. It is to be given to them if the Secretary of the Interior finds they are entitled to it.

Mr. MADDOX. Mr. Speaker, do I understand that this is a bill to recover interest that is due to Indians?

Mr. STEELE. It is interest that was provided for in the treaty. They were to have interest at the rate of 5 per cent under the treaty.

Mr. MADDOX. Under the treaty?

Mr. STEELE. Yes.

Mr. MADDOX. How do you claim that we owe them anything now?

Mr. STEELE. It belongs to them because the money was taken from them. The principal was paid back to them, but not the interest.

Mr. MADDOX. Who took the money from them?

Mr. STEELE. Indians who were placed on the roll by the Secretary of the Interior in violation of the treaty. Afterwards those Indians who were placed on the roll in violation of the treaty were stricken from the roll, but they had this money and they had the use of it.

Mr. MADDOX. And never returned it?

Mr. STEELE. Never returned it.

Mr. MADDOX. And now you want the United States to make that good?

Mr. STEELE. Certainly; that is exactly what we want, because they are entitled to it. The treaty provided that they should have it. It was a mistake of the Secretary of the Interior in putting other Indians on the roll illegally.

Mr. CANNON. If the gentleman will allow me, I think that is the transaction, judging by the bill, and I am not sure but I have some shadowy recollection about it. This outrage, if outrage it be, was committed in 1867.

Mr. STEELE. Prior to that.

Mr. CURTIS. In 1859.

Mr. CANNON. From 1859 to 1867.

Mr. CURTIS. Yes.

Mr. CANNON. Now, it seems that in 1895 there was legislation by Congress. We reimbursed these Indians by refunding to them the amount that had been wrongfully paid.

Mr. STEELE. Yes; the principal.

Mr. CANNON. That was the action of Congress at that time?

Mr. STEELE. Yes.

Mr. CANNON. And that was received by the Indians?

Mr. STEELE. Yes.

Mr. CANNON. And paid in full satisfaction.

Mr. STEELE. Yes.

Mr. CANNON. If that is so, the transaction is closed.

Mr. STEELE. They did that exactly as they received their annuities every year. They were required to receipt in full each time or get nothing.

Mr. CANNON. Now, Congress considered this nearly a generation after the outrage—if it was an outrage—was committed,

and legislated and paid these men back the money that it was alleged they ought to have received before. The amount was received by the Indians and receipted for in full, and now here comes another chip. I think the matter had better be left as it is.

Mr. PAYNE. I should like to ask the gentleman from Illinois a question.

Mr. CANNON. Yes.

Mr. PAYNE. These Indians being the wards of the nation and the nation being their guardian, do you not think they are entitled to a little more consideration than some white men who have had two or three judgments, which judgments have been paid and receipts taken in full, and yet who come here with claims that are allowed by Congress? Do you not think you ought to treat the Indians a little better than you do the white men?

Mr. CANNON. I will say to the gentleman, let every case stand upon its own bottom; and I would say to the gentleman, if he wants an answer, representing the great Empire State, "Let him that is without sin cast the first stone," and if that is done the gentleman will not cast any.

Mr. PAYNE. If that is so, my friend and no other member of this House will throw a stone at these Indians in this particular case.

Mr. LACEY. The question that is in this case is just exactly like the case of the State of Illinois that we refunded the interest to this afternoon in the deficiency bill.

Mr. CANNON. No; it is not like the State of Illinois or the State of Iowa.

Mr. LACEY. It is just exactly like them; precisely; not only as to the principal amount, but as to the interest.

Mr. CANNON. Congress paid these Indians the principal, and now they are asking for the interest.

Mr. LACEY. Just like Iowa and Illinois.

Mr. MADDOX. Was the claim settled with Iowa and Illinois.

Mr. LACEY. Yes; and receipted for.

Mr. MADDOX. And you come now and get the Government to pay the interest?

Mr. LACEY. It is simply just that we should. These Indians stand upon the same grounds precisely as did Iowa and Illinois on their war claims.

Mr. STEELE. If the Secretary of the Interior does not find that this interest is legally due to these Indians they will not get it.

Mr. CANNON. Oh, well, Mr. Speaker, the Miami Indians are ably represented by the gentleman now, and by wonderfully able representatives for over a generation, and they have had quite as much consideration from the Government as they are entitled to under the agreement made. I think that the treaty spoken of was a liberal treaty, and the men that received this money that gentlemen think ought not to have received it did so in very right, as much as those who are mentioned in the treaty; and after they had received it and appropriated it Congress comes and repays the amount, as it is supposed, in full settlement, in full consideration, and now comes my friend from Indiana and wants the interest.

I will suggest to my friend that I do not think he can pass this bill to-night.

Mr. STEELE. This is not the only outrage that was perpetrated on those Indians in violation of the treaty. It provided that they were to have the land in common, and yet they put them on the tax duplicates and they had to employ attorneys out of their own funds to take their lands from the duplicates. They constantly had to employ attorneys to preserve their rights. I should suppose that the gentleman would be willing to leave it to the Secretary of the Interior.

Mr. CANNON. I will say to my friend, if I were a betting character, I would bet a thousand to one that this short report and this short bill, where the Secretary of the Interior does not dwell about a closed transaction, itself condemns it; and I would not be afraid to make a wager when you get a full report on it that it ought not to pass.

Mr. LACEY. Mr. Speaker, the short report to which the gentleman refers was drawn by myself. The reason the report is short was because yesterday I learned that last night and to-night would be devoted to Indian matters, and this matter has been held up for a month or more in order to get the exact figures of the amount due to these Indians from the Secretary of the Interior. They promised to give the exact figures to the gentleman from Kansas [Mr. CURTIS] who is on the subcommittee with myself, and the matter was held up. The bill is drawn in such a way that it is a matter of computation for the Interior Department if the bill should pass. Approximately the amount is not far from $20,000.

The Government took this money that belonged to the Indians and paid it over to some people who had no title whatever to it. Subsequently it was ascertained that the wrong parties had received the money. The Government then repaid the principal amount of the money to the Indians, but did not pay the interest, as they were under treaty obligations with the Indians to do; and this bill is simply intended to refund the interest in addition to the principal.

Mr. SMITH of Kentucky. Will the gentleman permit me to ask him a question?

Mr. LACEY. Certainly.

Mr. SMITH of Kentucky. I would like to know the particular reason why the Government did not pay the interest when it paid the principal?

Mr. LACEY. Because the act of Congress was not so drawn. Congress took the matter up and attempted to settle this proposition by paying the Indians back only the principal; in other words, by carrying out a part of their contract and not carrying out the balance to these Indians who are the wards of the nation. We had this afternoon precisely the same question as to the State of Illinois, the State of Indiana, and the State of Iowa. The Government refunded the principal sum due to them without interest.

The Supreme Court of the United States in the New York case said that the State ought to have the interest, and it was refunded to the State of New York. Under that decision Congress, following that, has voted to refund the interest to the States of Indiana, Iowa, and the State of Illinois. Here are some Indians in the State of Indiana who hold valid contracts with the Government to pay them a given sum of money with interest. The Government has paid that contract as to the principal sum, but has not paid the interest. It gave the principal to somebody else who had no title to it. We repaid to them the principal, and now this is a proposition to pay the interest owing to the Indians.

Mr. PAYNE. Mr. Speaker, I would like to suggest to the gentleman that this is a stronger case than Illinois had, because in that case there was a decision of the Comptroller that they were only entitled to so much, and we have overridden that in our legislation this afternoon.

Mr. LACEY. But that was Illinois. [Laughter.]

Mr. PAYNE. We have overridden it by legislation in February, submitted it again to the Comptroller, and he comes in with the report that they are entitled now to interest because of a decision of the court. There is the great State of Illinois, with representatives to look after her, and here are these poor Indians, who never had a judgment against them by any accounting officer or anybody else.

Mr. LACEY. Now, I want to explain the brevity of the report. It had to be hastily drawn yesterday in order to get it before the present session at all, and therefore it was impossible to recite all the facts. The gentleman from Indiana [Mr. STEELE] is familiar with all of them, and he has placed them before the House. Here is a proposition to try and save $20,000 from our wards, to take some money that belongs to the wards of the nation, in order to reduce the expenditures of the United States of America. The reduction of expenditures is a very laudable occupation upon the part of Congress.

There is no question about that; but the reduction ought to be made on something that is not in the nature of a contract obligation on the part of the United States to pay to somebody what ought to have been paid many years ago. I doubt very much the propriety of saving money in this sort of way. Now I will yield to the gentleman from Kentucky.

Mr. SMITH of Kentucky. The gentleman from Iowa compares this case to the case of the States. Now, there is this distinction between them: You say this treaty provided for the payment of interest in express terms.

Mr. LACEY. Yes; of 5 per cent.

Mr. SMITH of Kentucky. There was no such express contract in the act of 1861–1862 in reference to the payment of the war claims of the State, and the Secretary of the Treasury construed these acts that interest was not payable. That is the difference between the two cases.

Mr. LACEY. But Congress has resolved that the moral obligation to refund the interest existed and that it bound us to do it; it bound my friend from Illinois.

Mr. HEMENWAY. Will the gentleman permit me?

Mr. LACEY. Now, I hope my friend from Indiana will not be too strong upon the side of economy after what we have done for Indiana this afternoon.

Mr. HEMENWAY. The gentleman from Iowa said that a moral obligation rested on Congress to return that money. I deny that it was simply a moral obligation. It was a legal obligation, and was so decided by the Supreme Court of the United States and the Comptroller of the United States. I object to the gentleman from New York and others trying to play upon these claims of the States in order to get through some scheme in behalf of the Indians.

Mr. LACEY. Mr. Speaker, I am surprised to hear the gentleman turn against his own constituents in a matter of that kind.

The difference between the Indiana case and this case is that there was an express contract to pay these Indians and it ought to be done. A suggestion was made that attorneys were looking after this matter. I think this is the only claim for compensation before the Indian Committee in which no attorney of any kind was ever brought in. Absolutely nobody ever came here as an attorney, and it was all carried on by correspondence.

Mr. STEELE. Will the gentleman yield to me?

Mr. MADDOX. I would like to have the gentleman yield to me. I am on the anxious bench myself. [Laughter.]

Mr. STEELE. I want to say that I framed this bill so that nobody could get anything out of it except the Indians themselves. I went to the committee and explained the bill and asked them to pass upon it, and if they thought it was right for the Indians to have it to give it to them, and if they did not think it was right to report against them. Is that not the fact, I will ask the gentleman from Iowa?

Mr. LACEY. I am sorry to say that that is the fact; that the gentleman from Indiana, instead of helping the committee to look up the bill, presented all the papers to the committee, and said: "There is the case. Look it up." And the committee has looked it up. I now yield to the gentleman from Georgia.

Mr. MADDOX. I understood the gentleman to say that we ought to pay this interest because the Government promised to pay it by treaty.

Mr. LACEY. I think that is a good reason.

Mr. MADDOX. Does the gentleman think that the Government ought to comply with treaty obligations to the Indians?

Mr. LACEY. Well, I am old-fashioned enough to take that view of it.

Mr. MADDOX. Then why is it that we have continually violated every treaty that we ever made with the Choctaws, the Chickasaws, and the Creek Indians?

Mr. LACEY. Well, that involves too many considerations for me to now discuss. [Laughter.]

Mr. MADDOX. We promised to abide by that treaty as long as grass grew and water ran down hill, and we have not done so.

Mr. LACEY. Well, I do not yield for a discussion of violations of other treaties.

Mr. WHEELER. I would like some information about this bill in order that I may vote intelligently on it. How did the Government come to pay this interest under a mistake?

Mr. LACEY. The gentleman from Indiana [Mr. STEELE] explained that fully, if my friend had done him the honor to listen to him.

Mr. WHEELER. Well, there was a sort of tête-à-tête discussion going on at the time and we could not understand what was said.

Mr. LACEY. The matter was fully explained. The money was paid to parties who were not entitled to it—who were not members of the tribe.

Mr. WHEELER. How came they to pay the money to people who were not entitled to it?

Mr. LACEY. That is a long story.

Mr. WHEELER. Well, tell it briefly.

Mr. STEELE. In violation of the treaty 138 Indians were added to the number named in the treaty. The treaty provided that only those named in the treaty should participate in either the principal or the interest.

Mr. WHEELER. Who added those 138 names?

Mr. STEELE. They were added upon petition of a band of Indians near Fort Wayne who were not entitled to take anything belonging to the 306 Indians named in the treaty.

Mr. WHEELER. How did the Government come to grant any petition like that?

Mr. STEELE. The Lord knows; I do not.

Mr. WHEELER. What officer was in charge of the matter?

Mr. LACEY. The Secretary of the Interior.

Mr. WHEELER. What was his name?

Mr. STEELE. The transaction was so long ago that I do not remember.

Mr. WHEELER. In what year was it?

Mr. STEELE. It was in 1859 when those extra names were first put on the roll.

Mr. WHEELER. When was the effort first made to obtain relief from Congress?

Mr. STEELE. In 1886, I think it was, an attempt was made; it was consummated in 1895.

Mr. WHEELER. How many of those people to whom this interest is proposed to be paid are living to-day?

Mr. STEELE. The money is to be paid to those entitled to it or to their representatives, as determined by the Secretary of the Interior.

Mr. WHEELER. Upon what proof is this relief to be now granted? What proof has the Department that this money was wrongfully paid?

Mr. STEELE. The roll will show it. It is not claimed it was paid.

Mr. WHEELER. Who does not claim?

Mr. STEELE. The Secretary of the Interior. The roll shows who were entitled to be paid.

Mr. WHEELER. Does the treaty recite the name of everyone entitled?

Mr. STEELE. Every Indian who was to participate in this fund signed the roll; it was provided that only those who signed the treaty roll should participate.

Mr. WHEELER. How did it happen that the Government made a mistake in paying the money to people who did not sign the roll.

Mr. STEELE. Nobody can explain that. It was a piece of stupidity.

Mr. MERCER. Perhaps I can explain the matter to the gentleman from Kentucky. This happened, I understand, under Buchanan's Administration. [Laughter.]

Mr. STEELE. I will not say that.

Mr. WHEELER. I do not care whose Administration it happened under. There might be thievery under Buchanan's Administration or under Root's administration. I do not think the gentleman has made out a case sufficient to satisfy the House that this money has been wrongfully paid.

Mr. STEELE. It is a matter of record that those bogus Indians, whose names were placed on the roll by a Secretary of the Interior, and in violation of the treaty, were paid. Their names were stricken from the roll by a Secretary of the Interior, and the interest has not been returned.

Mr. WHEELER. Will the gentleman state what proof there is to show that those names were placed on the roll in violation of the treaty?

Mr. STEELE. The records of the Department show that.

Mr. WHEELER. How does the record show that they are not rightfully entitled?

Mr. STEELE. Because none of them are named in the treaty.

Mr. WHEELER. I am unable to follow the gentleman in his explanation.

Mr. SHERMAN. I ask for the previous question.

The previous question was ordered.

The question being taken on ordering the bill to be engrossed and read the third time, there were on a division (called for by Mr. MADDOX)—ayes 70, noes 19.

Mr. MADDOX. I make the point that there is no quorum present.

Mr. SHERMAN. If the gentleman will withdraw the point I will withdraw the bill.

Mr. MADDOX. With that understanding, I will certainly withdraw the point.

Mr. PAYNE. The previous question has been ordered.

Mr. SHERMAN. The bill can be withdrawn by unanimous consent. I ask unanimous consent.

The SPEAKER pro tempore. The gentleman from New York [Mr. SHERMAN] asks unanimous consent to vacate the vote by which the previous question was ordered and to withdraw the bill. Is there objection? The Chair hears none; and it is so ordered.

RED LAKE AND PEMBINA BANDS OF INDIANS.

Mr. SHERMAN. Mr. Speaker, I call up the bill (S. 4962) to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians of the Red Lake Reservation, Minn., and making appropriations to carry the same into effect, which I will ask the Clerk to read.

The Clerk proceeded to the reading of the bill.

During the reading of the bill,

Mr. SHERMAN said: Mr. Speaker, if I may be permitted at this time to interrupt, I desire to withdraw that bill and substitute another for it. I ask unanimous consent to do so.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to withdraw the bill which the Clerk has been reporting. Without objection this will be done.

There was no objection.

CHIPPEWA INDIANS IN THE STATE OF MINNESOTA.

Mr. SHERMAN. Mr. Speaker, I now call up the bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, which I will ask the Clerk to read.

The Clerk read the bill at length.

The following amendment, recommended by the committee, was read:

Be it enacted, etc., That section 4 of an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That as soon as the cession and relinquishment of said Indian title has been obtained and approved as aforesaid, it shall be the duty of the

Commissioner of the General Land Office to cause the land so ceded to the United States to be surveyed in the manner provided by law for the survey of public lands, and as soon as practicable after such survey has been made and the report, field notes, and plats thereof filed in the General Land Office and duly approved by the Commissioner thereof the said Secretary of the Interior, upon notice of the completion of such surveys, shall appoint a sufficient number of competent and experienced examiners, in order that the work may be done within a reasonable time, who shall go upon said lands thus surveyed and personally make a careful, complete, and thorough examination of the same by 40-acre lots, for the purpose of ascertaining on which lots or tracts there is standing or growing pine timber, which tracts on which pine timber is standing or growing for the purposes of this act shall be termed 'pine lands,' the minutes of such examination to be at the time entered in books provided for that purpose, showing which of such lands are pine lands and which are agricultural lands, as hereinafter designated, which reports of all such examinations shall be filed with the Commissioner of the General Land Office as a part of the permanent records thereof, and thereupon that officer shall cause to be made lists of all such pine lands and agricultural lands, describing each 40-acre lot or tract thereof separately, and thereupon such lists of lands shall be transmitted to the Secretary of the Interior for approval, modification, or rejection, as he may deem proper. If the lists thus made are rejected as a whole, then the Secretary of the Interior shall substitute new lists, and the same or original lists as approved or modified shall be filed with the Commissioner of the General Land Office as the lists of said lands. Duplicate lists of said lands, together with copies of the field notes, surveys, and minutes of examination, shall be filed and kept in the office of the register of the land office of the district within which said lands may be situated, and copies of said lists shall be furnished to any person desiring the same upon application to the Commissioner of the General Land Office or to the register of said local land office.

"The compensation of the examiners so provided for in this section shall be fixed by the Secretary of the Interior, but in no event shall exceed the sum of $8 per day for each person so employed, including all expenses.

"All other lands acquired from the said Indians on said reservations, other than pine lands, are for the purposes of this act termed 'agricultural lands.'"

SEC. 2. That section 5 of said act be amended so as to read as follows:

"SEC. 5. That whenever, and as often as the survey, examination, and lists of 100,000 acres of said pine lands or of a less quantity, in the discretion of the Secretary of the Interior, have been made and approved, the Secretary of the Interior shall be, and he hereby is, authorized and directed to sell, under such rules and regulations as he may prescribe, and at such times and places as he may designate, to be scaled under Scribner's rules in the log after being cut, all the merchantable pine timber, whether the same be green or dead, standing or fallen, now on such pine lands, with the exception of 5 per cent of said timber on certain reservations as hereinafter provided, to be paid for when the timber is cut, banked, and scaled in the manner herein provided for: *Provided*, That said pine timber shall be advertised for sale in Government sections or parts of sections, and shall be sold only by separate sealed bids for the pine timber on each section, and the Secretary of the Interior shall reserve the right to reject any or all of said bids: *Provided*, That the Secretary of the Interior may also receive bids in groups of not exceeding 10 sections in any one bid, which bids may be in addition to the separate bids by sections on the same lands.

"The parties bidding shall accompany each of said sealed bids with cash or certified check for 20 per cent of the amount of the bid for the pine timber on any particular section or groups, according to the highest value as shown by the Government estimate as hereinbefore provided for, and said cash or certified check shall be retained and credited as part payment of the purchase price should the bid be accepted, but should the bid be rejected said cash or certified check shall be immediately returned to the bidder: *Provided further*, That said timber shall not be sold at a price less than $4 per thousand feet board measure for Norway pine and $5 per thousand feet board measure for white pine: *Provided further*, That the Secretary of the Interior may increase said minimum price on portions of said timber as he may deem just and proper: *Provided further*, That said Secretary may, if he shall deem it best, permit the purchaser of the timber on any Government section or group to erect a mill of a capacity of not less than 40,000 feet board measure of lumber per day, and to manufacture thereat the timber on said Government sections or groups, said mill to be located on said section or group, or at such place in the immediate vicinity as may be designated by said Secretary; and the said Secretary is authorized to lease to such purchaser not exceeding 320 acres of land for mill purposes, for any one purchase, at an annual rental to be fixed by the Secretary of the Interior, for a renewable term not exceeding ten years, said term to end, in any event, so soon as the timber purchased shall have been sawed and removed, said lease of land to be exclusive of the timber thereon, which timber shall be disposed of as herein provided for other timber: *And provided further*, That prior to any sale the Secretary of the Interior shall cause notices of said sale to be inserted once in each week, for four successive weeks, in one newspaper of general circulation, published in each of the following cities, namely: Minneapolis, St. Paul, Duluth, Winona, and Crookston, Minn.; Chicago, Ill.; Milwaukee, La Crosse, Ashland, Wausau, and Marinette, Wis.; Detroit, Saginaw, Menominee, and Bay City, Mich.; Philadelphia and Williamsport, Pa.; Boston, Mass.; New Orleans, La.; St. Louis, Mo.; Albany, N. Y., and Dubuque, Davenport, and Burlington, Iowa, and in the following trade journals, to wit:

"The Northwestern Lumberman, of Chicago, Ill., and the Minneapolis Lumberman, of Minneapolis, Minn., of the sale of said timber as herein provided to the highest bidder, with the right to reject any and all bids, the first publication of said notices to be at least six calendar months prior to said sale, said notices to state the time and place and the terms of such sale, and to contain a general description of the lands from which the timber is to be sold, and shall refer intending bidders to the printed lists to be obtained from the Commissioner of the General Land Office or register of the local land office, as provided in section 4 of this act.

"Said notices shall also state in what tracts or parcels the timber is to be sold: *Provided*, That one additional notice calling attention particularly to the date of the sale shall be published thirty days prior to the day fixed for the sale in the first advertisement: *Provided further*, That in cutting the timber on 200,000 acres of the pine lands, to be selected as soon as practicable by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, on the following reservations, to wit, Chippewas of the Mississippi, Leech Lake, Cass Lake, and Winnebigoshish, which said lands so selected shall be known and hereinafter described as 'forestry lands,' the purchaser shall be required to leave standing 5 per cent of the pine timber thereon for the purpose of reforestation, as hereinafter provided, said 5 per cent to be selected and reserved in such manner and under such rules and regulations as may be prescribed by the Forester of the Department of Agriculture and approved by the Secretary of the Interior: *Provided further*, That there shall be reserved from sale or settlement the timber and land on the islands in Cass Lake and in Leech Lake, and not less than 160 acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located, which peninsula approximates 7,000 acres, and in addition thereto 10 sections in area on said reservations last aforesaid, to be selected by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, in lots not less than 320 acres each in contiguous areas, and nothing herein contained shall interfere with the allotments to the Indians heretofore and hereafter made. The islands in Cass and Leech lakes and the land reserved at Sugar Point and Pine Point Peninsula shall remain as Indian land under the control of the Department of the Interior.

"Each and every purchaser of timber hereunder shall be required and shall enter into an agreement to cut clean and remove all the merchantable pine timber, whether green or dead, standing or fallen, on each tract, subdivision, or lot covered by his purchase, except on the forestry lands as hereinbefore provided, within such time as the Secretary of the Interior may direct, and under such rules and regulations as he may prescribe, and to cut no timber other than pine, except such as may be absolutely necessary in the economical conduct of the logging operations, and to burn or remove a sufficient amount of the tops and refuse to prevent danger from fire to the timber left standing, under rules and regulations to be prescribed by the Secretary of the Interior, and, when practicable, to employ Indian labor in the cutting, handling, and manufacture of said timber. And each and every purchaser shall be required to give a bond in a sufficient penalty, to be approved by the Secretary of the Interior, for the faithful performance of said agreement and for the observance of the regulations of the Secretary of the Interior concerning the sale, cutting, and removal of such timber.

"Before being removed from the tract from which they are cut, all logs cut hereunder shall be stamped and bark-marked by the logger and numbered and scaled by competent and experienced scalers, to be appointed by the Secretary of the Interior and paid such reasonable salaries as may be fixed by him. Said scalers shall keep in suitable books for reference a record of the marks, also a complete list of the numbers of all logs, with the scale of each log set opposite its number, said scale books to be open to the inspection of the check scaler or to any authorized Government representative at all times; and said logs shall be landed separately from all other logs, and the title to said logs shall remain in the United States for the benefit of the Indians; and said logs shall not be removed from the place of landing until the purchase price agreed upon shall be fully paid to such officer of the Indian Department as shall be designated by the Secretary of the Interior to account for and receive the same. And the Secretary of the Interior may, at the request of the chiefs of said bands or tribes of Chippewa Indians of the State of Minnesota interested in the said timber sales, appoint check scalers to verify and inspect the work of the Government scalers; the said check scalers to be designated by said chiefs and paid out of the funds of the Indians such reasonable compensation as may be fixed by the Secretary of the Interior.

"After the merchantable pine timber on any tract, subdivision, or lot shall have been removed, such tract, subdivision, or lot shall, except on the forestry lands aforesaid, for the purposes of this act, be classed and treated as agricultural lands, and shall be opened to homestead entry in accordance with the provisions of this act: *Provided*, That on the forestry lands aforesaid, as soon as the merchantable pine timber now thereon shall have been removed from any tract, subdivision, or lot, as herein provided, such tract, subdivision, or lot shall, without further act, resolution, or proclamation forthwith become and be part of a forest reserve, the same as though set apart by proclamation of the President in accordance with the act of Congress approved March 3, 1891, and subsequent laws amending and supplementing the same, and shall be managed and protected in accordance with their provisions and the rules and regulations made and to be made in furtherance thereof: *And provided further*, That on said forestry lands aforesaid said pine timber shall be cut clean, except as to the 5 per centum as hereinbefore provided, and removed under the supervision and direction of the Forester of the Department of Agriculture, in accordance with rules and regulations to be prescribed by him and approved by the Secretary of the Interior, and the said forester shall have power at all times to patrol and protect said lands and forests, and to enforce all rules and regulations made by him as aforesaid.

"As soon as practicable after the passage of this act the Secretary of the Interior shall open to homestead settlement, as herein provided, the lands on all the reservations, or portions of reservations, which have been ceded to the United States by the Chippewa Indians in Minnesota, including the four reservations last aforesaid, which have been examined and found to be agricultural lands, and shall immediately proceed to have examined, as herein provided, the remaining lands, and shall without delay open to homestead settlement those found to be agricultural lands: *Provided*, That on the four reservations last aforesaid, where agricultural lands are included within or contiguous to forestry lands and are, in the opinion of the Forester of the Agricultural Department, necessary to the economical administration and protection of the same, said Forester shall, as soon as practicable after the passage of this act as to those lands which have already been examined, and as to the lands not yet examined immediately after the examination and approval of the lists of said lands, of which approval said Forester shall be immediately notified by the Secretary of the Interior, file with the Secretary of the Interior schedules designating according to Government subdivisions said agricultural lands, not to exceed 15,000 acres of the lands already examined and not to exceed 10,000 acres of the lands yet to be examined, which said agricultural lands so designated shall not be offered for entry and settlement, but shall become and be a part of the forest reserve hereinbefore created.

"There shall be appointed by the Secretary of the Interior one superintendent and such assistants as he may deem necessary, whose compensation shall be fixed by the Secretary of the Interior and for the superintendent shall not exceed $6 per day and for the assistants shall not exceed $4 per day each, while actually employed, and whose duties shall be to supervise the cutting and scaling of the timber sold under the provisions of this act, and to see that the rules and regulations prescribed by the Forester and the Secretary of the Interior are complied with, and generally to perform such services in and about the sale of the pine timber on said lands and the cutting of the same therefrom and the care and protection of all timber on said lands as may be required of them by said Forester and said Secretary.

"The Secretary of the Interior may, in his discretion, authorize the purchasers of timber hereunder to build on the rivers and lakes on or within said ceded lands, under such rules and regulations as he may deem proper, dams, cofferdams, booms, and to make other river and lake improvements necessary to facilitate logging operations: *Provided*, That the parties building such dams, cofferdams, booms, and making other river and lake improvements shall pay the officer whom the Secretary of the Interior shall designate to receive such payments such damages as may be caused on the said ceded lands, such damages to be ascertained and determined in such manner as the Secretary of the Interior may direct.

"All the expenses incurred in carrying out the provisions of this act as to the examining and listing of said lands, and the selling, cutting, and scaling of said timber, shall be paid by the Secretary of the Interior out of the proceeds of the sale of said timber: *Provided*, That no expense arising out of the forestry provision shall be charged to the Indians."

SEC. 3. That section 7 of said act be amended by inserting after the word "lands," in line 1 thereof, the words "and timber."

SEC. 4. That so much of the act of June 7, 1897, entitled "An act making

appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," as authorizes the sale of dead timber, standing or fallen, under regulations prescribed by the Secretary of the Interior, on the Chippewa reservations and ceded lands in the State of Minnesota, is hereby repealed: *Provided*, That nothing herein contained shall be held in any way to affect contracts already entered into and now in force for the sale and cutting of dead timber, standing or fallen, on said reservations and ceded lands.

SEC. 5. That the Secretary of the Interior shall proceed as speedily as practicable to complete the allotments to the Indians, which allotments shall be completed before opening the agricultural land to settlement.

Mr. SHERMAN. Mr. Speaker, I desire to control the time on this bill. I yield to the gentleman from Kansas.

Mr. CURTIS. Mr. Speaker, I offer the following committee amendment, which I will ask the Clerk to report.

The Clerk reported the amendment, as follows:

On page 18, line 11, strike out the word "Minneapolis" and insert the words "Mississippi Valley."

The SPEAKER pro tempore. The question is on the amendment to the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment to the amendment was agreed to.

Mr. CURTIS. Mr. Speaker, I wish to offer another amendment to the amendment, which I will ask the Clerk to report.

The Clerk reported the amendment, as follows:

On page 20, line 25, after the word "timber," insert the following:

"*Provided* that the Secretary of the Interior shall, upon application, furnish to any persons who may expect to bid, not more than ninety days prior to the date of sale of any pine timber hereinbefore mentioned, a statement of the rules and regulations under which said pine timber shall be cut, and the tops or refuse thereof burned or removed, and of the time within which said timber shall be removed."

The SPEAKER pro tempore. The question is on agreeing to the amendment to the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the amendment as amended.

Mr. CANNON. Mr. Speaker, one moment; I would like to be recognized.

The SPEAKER pro tempore. The gentleman from Illinois is recognized.

Mr. SHERMAN. Mr. Speaker, I supposed that I controlled the time. I yielded to the gentleman from Kansas. I am entirely willing to yield to the gentleman from Illinois whatever time he desires. I do not wish the time to get away from me, because we want to have a vote on this bill before the time for adjournment.

The SPEAKER pro tempore. The Chair will state to the gentleman from New York that when he yields the floor for the purpose of an amendment, he yields the floor altogether.

Mr. SHERMAN. Very well.

The SPEAKER pro tempore. The gentleman from Illinois is recognized.

Mr. CANNON. Mr. Speaker, I yield, as a part of my remarks, time for an amendment to be read for the information of the House, said amendment being proposed by the gentleman from Minnesota [Mr. EDDY]. I yield the time only for information, and as a part of my remarks.

Mr. EDDY. Mr. Speaker, I desire to offer the amendment in my own right, when the proper time comes. I do not think the amendment can be cut off in this manner.

Mr. CANNON. Oh, that is all right. I would inquire what time this session closes, under the order.

The SPEAKER pro tempore. 10.30 o'clock.

Mr. CANNON. Well, I have lots of time. Mr. Speaker, I thought a moment ago, while the gentleman from New York was talking, and perhaps he might think the same thing about me now, that words sometimes darken counsel; but here is a bill which has just been read, consisting of 13 pages of the Senate bill, which were stricken out, and then 13 pages of the House amendment, in all 26 pages. It has been read. I would like to call for volunteers. Here we are, with less than a quorum, after an all-day session, at 9.30 o'clock in the evening. How many gentlemen will stand up and say that they have the sign of an idea of what this bill is about.

Mr. TAWNEY. Mr. Speaker, if the gentleman from Illinois will yield to my colleague, Judge MORRIS, or to any members of the committee, say Mr. CURTIS, I am satisfied that they will be able to explain to the satisfaction of the gentleman from Illinois and to all the other members of this House as to the provisions of this bill and as to the necessities for its passage, both in the interests of the Indians and in the interests of the Government.

Mr. CANNON. Mr. Speaker, I am delighted to know that somebody is prepared to explain, and I should not have taken the floor and been recognized for an hour [laughter] had it not been that with less than a quorum it was proposed to debate this amendment, and I was following the Clerk when he read, and I have glanced over the report, but my eyesight is a little bad, and I began to have a faint idea that somehow or other the timber was to be cut smooth up at the headwaters of the Mississippi River, away up almost to the northern boundary, running down through all our territory and emptying into the Gulf, and recollecting what the gentleman from New York [Mr. WADSWORTH] the chairman of the Agriculture Committee, and other gentlemen have talked about so much here, namely, the great importance for our civilization and salvation, in time, at least, if not in eternity, to preserve at the headwaters of these streams the forests, and understanding how the moss is protected by the trees, and the trees are protected by the water, and the other trees are protected by the shade, and how when the rains of heaven descend—following the eloquent description of the gentleman from Iowa [Mr. LACEY], the chairman of the Public Lands Committee—how they descend and fall and how the leaves and the roots and the trunks hold the moisture in the ground, week in and week out and month in and month out, and how when the dry season comes the water slowly squeezes out and percolates through the roots. [Prolonged laughter.]

Mr. SHERMAN. Mr. Speaker, will the gentleman yield to me for one moment?

Mr. CANNON. In a moment. And as the water feeds down from the headwaters through the counties and the States, and again through the other States, singing as it goes, and rejoicing the frogs and the grasshoppers [laughter], recollecting all this, I begin to be alarmed lest vandals, desiring to speculate upon pine timber, may cut it smooth and throw these agricultural lands open to settlement, when there are few agricultural lands there, and that our civilization is being attacked by the hand of the vandal, and that on account of dry weather our descendants will cry for bread. [Laughter and applause.]

Mr. SHERMAN. Will the gentleman yield to me just for a moment?

Mr. CANNON. Certainly; with pleasure.

Mr. SHERMAN. I think the gentleman from Illinois has at least demonstrated that wherever else the moss grows it does not grow on his back. [Laughter.] I think he has further demonstrated that, musical and rippling as are the waters in the streams he has described, they are less musical than his voice and less rhythmical than his felicity in rolling out words.

But, Mr. Speaker, to get at the merits of this proposition, there is now a law providing for the cutting of this timber at the headwaters of the Mississippi.

Mr. CURTIS. All of it.

Mr. LACEY. Since 1889.

Mr. SHERMAN. There has been such a statute for more than ten years, and in the administration of it fraud has crept in, beyond any question, and the Indians have not received what they should have received for the sale of the timber; and because the Department discovered that it was impossible, as they thought, under the existing law, for the Indians to receive all that they should receive, the Department has asked for an amendment of the statute in the terms provided by this bill, which it is believed can be so administered as to protect the rights of the Indians, and so as to have the timber cut and an honest price paid for it under an honest measurement of the amount. Without going into the details, that is substantially what this bill does.

Mr. MADDOX. Mr. Speaker, may I ask the gentleman from New York a question?

Mr. SHERMAN. Yes.

Mr. MADDOX. Is that law suspended now?

Mr. SHERMAN. It is practically suspended.

Mr. MADDOX. And the cutting of the timber is suspended?

Mr. SHERMAN. Suspended by an amendment to the Indian appropriation bill a year ago.

Mr. CURTIS. Two years ago.

Mr. TAWNEY. But they are still allowed to cut under the dead-and-down timber provision.

Mr. SHERMAN. Yes.

Mr. EDDY. No; that has also been suspended.

Mr. CURTIS. I wish the gentleman from Illinois would yield ten or fifteen minutes to the gentleman from Minnesota [Mr. MORRIS], so that he may explain the necessity of this bill.

Mr. CANNON. I should be delighted to yield to the eloquent gentleman from Minnesota, sure that the House, as we always are, will be entertained, if not instructed, and we are generally both. I yield fifteen minutes to the gentleman from Minnesota.

Mr. MORRIS. Mr. Speaker, I am very much obliged to the gentleman from Illinois for what he has said, and I shall not undertake in any way to equal the eloquent speech which he has already made.

If I understood the speech of the gentleman from Illinois, his principal concern about this bill is that it will denude the land at the headwaters of the Mississippi of the timber thereon, and as to that, everybody in the country is interested. Was that the idea I caught from the gentleman from Illinois?

Mr. CANNON. I think that is something that has percolated through my brain.

Mr. MORRIS. Well, that is just exactly what I thought. I thought it was percolating through the gentleman's brain. [Laughter.]

Now, Mr. Speaker, this bill is the only bill that can be passed that will prevent what the gentleman from Illinois is afraid of. Under this bill there will be a forest reserve of 225,000 acres, and other lands reserved from settlement or sale aggregating about 15,000 acres, making in all an area reserved of nearly 250,000 acres—to be exact, 240,000 acres—right at the headwaters of the Mississippi, and by this bill alone can that be accomplished.

There is now, Mr. Speaker, on the statute book a law under which, if it is enforced, and it will be enforced unless some such law as this is passed (it would be the sworn duty of the Secretary of the Interior to enforce that law unless some such law as this is passed), every acre of the timber land at the headwaters of the Mississippi River will be sold to private parties. And every acre of land that is not pine land will be thrown open to homestead settlement and cleared up by the homesteader. If the lumbermen buy this timber land at the headwaters of the Mississippi River they will cut every stick of pine on it.

They will leave the slashings on the ground and fires will begin in these slashings and burn all the balance of the timber, and then the land will be denuded, indeed. If this bill is passed, only the pine timber on 200,000 acres of the forest reserve will be cut, and 5 per cent will be left for reforestation, and all the balance of the timber will be left on that land, such as spruce, birch, and all the other kinds of timber in that northern climate. On the 15,000 acres, to which I have referred, none of the timber will be cut, pine or any other kind. The Forester of the Agricultural Department will make regulations. He will require the lumbermen to clear up these slashings that bring on the forest fires, and in this way the timber lands at the headwaters of the Mississippi River—nearly 250,000 acres—will be preserved. Now, is that satisfactory to the gentleman from Illinois?

Mr. CANNON. How much land is to be cut over by virtue of this bill?

Mr. MORRIS. I have the figures here. I give them in round numbers. There are in these reservations at the head waters of the Mississippi River, in round numbers, about 650,000 acres. Nearly one-half of that—no, not quite half—one-third of that is not pine land and will under the law be thrown open to settlement by the homesteader, and the balance is pine land, and of that nearly 250,000 acres will be reserved by this bill, after all but 5 per cent of the timber has been cut from 200,000 acres of it.

Mr. CANNON. Is it not reserved now?

Mr. MORRIS. Not one acre of it now. Under existing law, under the law passed in 1889, the Secretary of the Interior is required to hire estimators to go in there and estimate the pine upon the pine lands. When that estimate is made the statute requires that he shall sell that pine land to the highest bidder for cash, and that sells the pine, land and all. The lumberman that buys that land gets it all.

Under this bill the lumberman gets only the pine, and when he cuts the pine off under such rules and regulations as the Agricultural Department may prescribe, he is to remove the tops so as to prevent future forest fires. He has got to leave 5 per cent of the timber standing, and he has got to so cut it that there will be no further danger from forest fires.

Mr. CANNON. Now, there will be 250,000 acres of permanent reservation of these pine lands?

Mr. MORRIS. Yes, nearly; including 25,000 acres of agricultural land reserved in the forest reserve.

Mr. CANNON. Not a foot of that timber is to be cut off?

Mr. MORRIS. All but 5 per cent is to be cut off of 200,000 acres. And as to that which is cut off the refuse from which the fire danger comes has to be removed and destroyed under such rules as the forester of the Department of Agriculture shall prescribe.

Mr. TAWNEY. Five per cent of the pine timber is to be left.

Mr. MORRIS. Nothing but pine timber will be cut out.

Mr. PAYNE. What other timber is there there?

Mr. MORRIS. Spruce, birch, tamarack, and hemlock.

Mr. CANNON. Who is to own this 250,000 acres?

Mr. MORRIS. The Government of the United States will own 225,000 acres and the Indians the balance, the same being held in trust by the Government.

Mr. CANNON. Who owns it now?

Mr. MORRIS. The Indians own it, and the Government is to own it for the Indians.

Mr. CANNON. Hold it in trust for the Indians? What are the Indians to do with it?

Mr. MORRIS. Now, if the gentleman from Illinois will permit me——

Mr. CANNON. Yes.

Mr. MORRIS. The Indians under existing law get only the value of the pine timber that is on the land.

Mr. CANNON. Yes.

Mr. MORRIS. The land goes to the purchaser. Under this bill the land is reserved to the Government of the United States for use as a forest reserve.

Mr. CANNON. How much is the Indian paid for it?

Mr. MORRIS. The Indian is paid what the pine brings. That is all that is paid under existing law.

Mr. CANNON. If he owns both the pine and the land and he sells the pine, and we sell the pine and take the land from him, that is pretty bad.

Mr. MORRIS. Under the existing law that is just what happens. Under this bill, instead of the purchaser getting the land the Government gets the land. Now, that is this law.

Mr. CANNON. We occupy it free from any trust now.

Mr. MORRIS. Free from any trust as to the lands on which the pine is. The trust is as to the pine. I will say to the gentleman from Illinois I think there will be a trust in the United States to pay for the 5 per cent of pine left on the forest reserve, and for the pine on the other 15,000 acres, if it should be added to the forest reserve.

Mr. CANNON. What becomes of the three or four million dollars that the United States have advanced to the Chippewas—reimbursable?

Mr. MORRIS. I will say to the gentleman that if the pine is sold under this bill, my belief is that it will bring somewhere from seven to ten million dollars. Nobody knows how much pine is there. My belief is that it will bring somewhere from seven to ten million dollars, and out of that the amount already paid to the Indians will be reimbursable.

Mr. CURTIS. The estimators sent there by the Government say the timber is worth from fifteen to twenty million dollars.

Mr. CANNON. I want to say to my friend that I was here when this other act was passed providing for the sale of this timber, and I was here through the years when these timber sharps went up there and inspected and measured this land, and these experts that were there four, five, or six years ago, and now, lo and behold, that all goes for naught.

Mr. MORRIS. I want to say to my friend that that is true as the gentleman says, that he was here when that law was passed. Under that law this pine timber was sold on the estimates made by these "cruisers," as we call them up in that country, estimators, and it was found that these estimates were far below the amount of pine on the land. In all the cases, I may say, their estimate was far below the amount of pine, and that is one of the reasons why this bill is to be passed.

As soon as I saw how that was going, seeing that these lumbermen were getting from the Indians $10 worth of pine, perhaps, where they paid $3, I prepared this bill so that instead of the pine being estimated by estimators, the pine should be cut and every log cut that was merchantable, or that they considered merchantable, should be measured by scalers, and the Indians should be paid for every foot of the timber. That is the object of this law.

Mr. CANNON. Some years ago I was up in this region, and I met a good many people up there. Some white people, some Indians, some Minnesota people [laughter], and some not from Minnesota. Now, then while I was there some of the Minnesota people were talking about this magnificent timber and when the United States would be reimbursed. They discussed all these questions that my friend has been talking about, and then one wise old fellow said: "I'll tell you what: Timber is going to be pretty scarce, and Uncle Sam will keep this timber until we want it and then we can get it." Now, I do not know whether there is anything in that or not, or anything of that kind in this bill.

Mr. MORRIS. That is what this bill is intended to prevent.

Mr. CANNON. I am glad to hear it; but in the light of things that have been done, not to speak discourteously of anybody personally, I will remind my friend of the old saying that we heard when we were boys—that hell is paved with good intentions. [Laughter.]

Mr. MORRIS. In answer to that, Mr. Speaker, I will say that I think hell is paved with good intentions, but I think it would be a great sight worse hell if it was not paved with good intentions. Now, do as best we may, all we can do is to do the best we can. I do not know that we will absolutely prevent fraud in this matter, but I do believe that if there is any method under heaven that man can devise which will prevent fraud in the sale of this pine timber the method proposed in this bill will do it.

Mr. CANNON. Now, let me ask one question: Does the gentleman from Minnesota [Mr. TAWNEY] hold that same view?

Mr. TAWNEY. I do.

Mr. CANNON. Does the gentleman from Kansas [Mr. CURTIS] hold the same view?

Mr. CURTIS. I do; and I want to state further that the Secretary of the Interior and all the officers entertain the same view. It was carefully examined by them, and they are in favor of it.

Mr. CANNON. Now, if my friend will allow me, does the chairman of the committee hold the same view?

Mr. SHERMAN. I certainly do.

Mr. CANNON. Now, I want to ask one final question. Does my friend the gentleman from Minnesota [Mr. EDDY] hold that same view? [Laughter.]

Mr. EDDY. I want to say to the gentleman from Illinois that I consider the provisions of this bill infinitely superior to the law now in force. I will say further that I should like to amend the bill in some particulars, but if the gentleman from Minnesota [Mr. MORRIS] and the gentleman from Illinois [Mr. CANNON] occupy all the time, I do not see how I can get an opportunity. [Laughter.]

Mr. CANNON. I should be very glad to know how my friend is to get a chance to talk in my hour unless I yield to him. I just wanted a little experience meeting around here to find out, man by man, as nobody was inclined to explain this bill, what there is in it.

Mr. EDDY. That is what I was trying to find out, too.

Mr. CURTIS. I would like to have the gentleman from Illinois [Mr. CANNON] ask some of our Democratic friends—the gentleman from Arkansas [Mr. LITTLE] and others—what they think about the matter.

Mr. CANNON. Certainly; I should be glad to do so. And I will ask whether the committee is a unit on this matter.

Mr. LITTLE. The committee is a unit on the bill as reported. There is probably some little contention about one amendment; but there is no division of opinion on the proposition that the proposed law is far superior to the existing law, and will be much more beneficial both to the Indians and to the Government.

Mr. CANNON. Now, if I have not accomplished anything else, I have at least secured an expression where it seemed to me a bill was about to be passed that none of us tenderfeet knew anything about; and having taken a poll, I am quite willing, so far as I am concerned, to accept the testimony of these gentlemen, who ought to know and I believe do know; and I am quite content to vote with them. [Applause.]

Mr. SHERMAN. I desire to get a vote some time to-night, yet I do not wish to cut off any amendments. If I may be permitted to yield for an amendment without losing the floor, I would like to do so.

The SPEAKER pro tempore. With the consent of the gentleman from New York [Mr. SHERMAN], the Chair will recognize the gentleman from Minnesota [Mr. EDDY] to offer an amendment and speak upon it.

Mr. SHERMAN. That is satisfactory to me.

Mr. EDDY. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 16 strike out in line 10 the words "only by separate sealed bids" and substitute therefor the words "at public auction to the highest bidder."
At the end of line 16, page 16, strike out the word "seal."

Mr. EDDY. Mr. Speaker, the conditions surrounding these Indian reservations in Minnesota are probably without parallel in any other Indian reservation in the United States. The Indians living on these reservations possess millions of dollars' worth of property, and yet are in a condition of absolute destitution.

Many of them have made considerable progress in civilization and are willing and anxious to work; yet with an abundance of work ready for them, with men standing ready to go in and operate in this timber and furnish them with constant employment and pay them good wages, they are absolutely deprived of the means of subsistence.

It is not necessary for me to go into a detail of the condition of these reservations or to take into consideration the law of 1889. I will say in general terms that I am in favor of this bill. But this proposition to sell this timber under sealed bids is an entire departure from all previous practices of the United States Government, with but a single regulation, and that a regulation not provided for by statute. I refer to the Menomonee Reservation in Wisconsin.

Those gentlemen who have been here at previous meetings of the House when Indian affairs were under consideration have noticed that when any of these numerous bills opening up reservations have come before us they have always provided for a disposal of the property by public auction.

There are four classes of people, Mr. Speaker, who are anxious to purchase and operate in this timber. It must be borne in mind that this pine timber is situated differently from any other pine timber in the country. It is surrounded by farming lands. There is a desire on the part of the farmers to go in there and purchase small quantities of land, to erect temporary mills, and manufacture lumber and sell it to their farmer friends and for their own use in the erection of buildings upon their farmsteads.

The second class of people who desire this lumber are the small loggers. They desire to go in there and purchase perhaps 160 acres, or possibly less, of this pine land, and log it on their own account. The third class of people who desire to control this pine and manufacture the pine are the large lumber corporations of Minnesota, Iowa, Wisconsin, and Michigan.

Now, I am not concerned at all about those corporations. They are perfectly able to take care of themselves under any kind of law that we may enact. They have been able to take care of themselves under any kind of a law that ever has been enacted, and will continue to take care of themselves under any law that will be enacted in the future; but the men whom I am anxious about are the small men.

They not only want the right to bid on this land, but they want the right to know what the other people are bidding and they want the right to raise their own bids, and consequently every one of this class of people—and I have received scores of letters on this question—is anxious to have this timber sold at public sale.

I desire to say in anticipation of the opposition which will be urged against this amendment, namely, the fact that the Secretary of the Interior is very strongly opposed to this amendment, and also that a majority of the Committee on Indian Affairs are opposed to it, but that a very great majority of all of the Minnesota delegation were originally in favor of the public sale, and I want to say further that all the people in the country where this land is situated, or a very large majority of them, are in favor of the amendment, and I want to say when it comes to a matter of the disposition of the pine timber, I think the judgment of the men living in the vicinity of the lands, men who are accustomed to timber operation all their lives, is better than the judgment of the Secretary of the Interior.

I believe that my own judgment, having spent twenty years in the pine woods, is better in the matter of the disposition of pine timber than is the judgment of the Secretary of the Interior, who probably was never in the pine woods in his life. Now, the objection urged against the open bids or the public auction on behalf of the Secretary of the Interior lies in the fact that there will be collusion.

He says that if we have open bids and the public auction there will be no collusion. It is possible that there may be collusion, but every single argument which may be advanced in favor of forming collusion at open public sale can be advanced also as against sealed bids. There will not be more than a dozen different corporations outside of the individual small bidders, among whom no collusion can be formed, bidding on this timber.

I would like to have some one explain to me why these corporations could not get together and make an agreement under sealed bids as well as they could on open bids. There is this difference between the two, that if the bids are sealed they are opened by public officers and no one will ever know under heaven, except the officers and the men who form the collusion, what those bids are.

On the other hand, if we have an open public sale and there is collusion and people do not enter into competition with one another, that combination will be patent to everybody who attends the sale, and practically everybody who is interested will attend the sale. I do not believe that it is good business. I do not believe that there is a person on the floor of this House who, if he wanted to sell his household furniture at auction, would advertise in the papers that he would receive sealed bids for the same.

I believe a better price will be received by public auction, for the simple reason that if I bid $10 a thousand in a sealed bid for a piece of this timber I am absolutely precluded from raising my own bid. Suppose there be a public auction, and suppose a gentleman enters into competition with me at public auction, and I bid $9.50 a thousand for that timber. He bids $10, and thereupon I can raise that to $11, and so on. There is another thing I wish to say.

I do not believe that any transaction of the Government, of any kind or character, should be crowded under the cloak of secrecy. I do not believe we should have any sealed transactions on the part of the Government. I believe that an open and public sale will bring a better price for the timber; I believe it is the only kind of a transaction that will enable the small bidder to stand the slightest show of getting any portion of this timber, and I believe it will be better for all parties concerned. [Applause.]

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. BROWN] five minutes.

Mr. BROWN. Mr. Speaker, the question involved in the manner of the sale of the timber under this bill is, in my judgment, one of the gravest importance, and I sincerely believe that if the bill

should be amended in accordance with the proposal of the distinguished gentleman from Minnesota [Mr. EDDY], making the sale at public auction instead of by sealed bids, the force and effect of the bill would be lost.

This bill has been given more time and careful consideration than any other bill which has come before the Indian Committee at this session, and I can say that it has received the unanimous support of the committee in all particulars, with this one exception; and I think when this particular matter was brought before the committee there was but one vote against the sealed-bid proposition.

Mr. EDDY. I should like to call the gentleman's attention to the fact that at the meeting of that committee there were only nine members present, of whom four voted in favor of the bill, two against it, and the balance did not vote.

Mr. BROWN. Well, Mr. Speaker, previous to that time the bill had been considered by the full committee, with the exception of the gentleman from Minnesota [Mr. EDDY], who was absent, and the bill as amended was reported without a dissenting vote.

The committee have relied somewhat on the judgment of the Secretary of the Interior and the Commissioner of Indian Affairs, and at this time I wish to read some extracts from a correspondence which passed between the Commissioner of Indian Affairs and the Secretary of the Interior, and also from a letter addressed to the chairman of the Committee on Indian Affairs by the Secretary of the Interior.

Mr. EDDY. Mr. Speaker, I should like to have the gentleman state before he reads that letter that this was purely voluntary on the part of the Commissioner of Indian Affairs and the Secretary of the Interior, and not at the request of any member of the committee.

Mr. BROWN. I can not say with regard to that, Mr. Speaker, but I presume that it was for the reason that the Commissioner of Indian Affairs is very much in favor of the sealed-bid proposition. The letter from the Commissioner of Indian Affairs in part reads as follows:

WASHINGTON, *June 9, 1902.*

THE SECRETARY OF THE INTERIOR.

SIR:

* * * * * * *

I am advised that the members of said committee who oppose the sale of the timber upon "sealed bids" desire that the words "at public auction" be not eliminated, and that the words above quoted be not inserted in lieu thereof wherever they appear in said H. R. 10789.

I am absolutely and unalterably opposed to the enactment of any legislation the provisions of which will permit or require the sale at public auction of the pine timber on said ceded lands. There can not be a single reason advanced tending to establish that the timber should be sold at public auction which does not with greater force apply to the sealed-bid proposition and show the latter to be a more just, equitable, and business method.

If the timber is sold on sealed bids, the bids will be opened in public, and any interested person who desires to be present will undoubtedly be permitted to do so, as well as will, in all probability, newspaper men and others interested in the welfare of the Chippewa Indians.

If the pine timber is sold on sealed bids, competitive bidders will have no opportunity to ascertain the amount of any bid, while if it is sold at public auction each and every bidder present will know the price offered by every other bidder. If sold on sealed bids, competition is invited. If sold at public auction, competition is stifled and the formation of pools, combinations, and cliques to keep down the prices to be paid is invited and encouraged.

This reference in this letter does away with the suggestion made by the gentleman that the bids would be considered in secret by those who were authorized to receive them for the Government.

The Commissioner further says:

It is the duty of the Government to obtain, for the benefit of the Chippewa Indians of Minnesota, the best possible price for the timber on the ceded lands, and to that end the best mode of obtaining that price should be adopted. I feel positive that the sealed-bid method is far superior in every respect to the public-auction method.

If H. R. 10789 has been or shall be amended, as recommended by this office and the Department, the words "and timber" have been or should be inserted after the word "lands," in line 1, section 7, of the act of January 14, 1889, above quoted.

In view of the foregoing I have the honor to request and recommend that you advise the chairman of the House Committee on Indian Affairs that the Department believes it would be unwise and detrimental to the best interests of the Chippewa Indians of Minnesota to strike from H. R. 10789, wherever they appear, if the bill has been amended, the words "upon sealed bids" and insert in lieu thereof the words "at public auction;" and, further, that if said bill has not been amended by striking out the words "at public auction" whenever and wherever they appear therein and inserting in their stead the words "upon sealed bids" it be done.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner.*

Now, Mr. Speaker, the letter written by the Secretary of the Interior to the chairman of the Committee on Indian Affairs comes out very strongly in favor of sealed bids. In fact, in my judgment, I do not think that the Interior Department would carry the law into effect if it was passed without this provision, for combinations would be formed to keep the price down, and with the powers given to the Secretary of the Interior under this bill he would not sanction sales where fraud could be shown.

The letter from the Secretary of the Interior to the chairman of the Committee on Indian Affairs is as follows:

DEPARTMENT OF THE INTERIOR.
Washington, June 11, 1902.

THE CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

SIR: I have the honor to transmit herewith a copy of a report of the 9th instant from the Commissioner of Indian Affairs, stating that he has informal information that some of the members of the House Committee on Indian Affairs seriously object to the amendment to H. R. 10789, "A bill to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," which was recommended by his office and the Department, and provides that the pine timber on the ceded lands on the various Indian reservations in Minnesota shall be sold "upon sealed bids to the highest bidders, with the right to reject any and all bids."

The Commissioner is strongly opposed to the sale of this timber at public auction; holds that if it is disposed of competition is stifled and the formation of pools, combinations, and cliques to keep down the prices to be paid is invited and encouraged, and believes it would be unwise and detrimental to the best interests of the Chippewa Indians of Minnesota to strike from H. R. 10789, wherever they appear, if the bill has been amended, the words "upon sealed bids" and insert in lieu the words "at public auction." If the bill has not been amended by striking out the words "at public auction," whenever and wherever they appear, he recommends that it be done and the words "upon sealed bids" be inserted in their stead.

The timber cut upon the Menominee Reservation in Wisconsin has for years been sold "upon sealed bids," after due advertisement, and the prices received are believed to have been better than could have been obtained by sale "at public auction." More competition and less chances for combinations, it seems to me, is had by this method, and I concur in the views of the Commissioner and recommend that the sales of this timber be made "upon sealed bids to the highest bidder or bidders, with the right to reject any and all bids," and that the bill H. R. 10789 so provide.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Mr. EDDY. Does the gentleman from Wisconsin mean to say that if this amendment is passed the Secretary of the Interior would refuse to carry out the law?

Mr. BROWN. The Secretary of the Interior has, I understand, on other occasions refused to carry into effect the provisions of certain laws with regard to this same timber, and being as strongly prejudiced in favor of sealed bids as he is, I am of the opinion that this law never would be carried into effect if this provision was put into the bill, as suggested by the gentleman.

The Secretary of the Interior would undoubtedly proceed to advertise the timber, but in my opinion the sales would never be consummated, for the reason that combinations would be formed to keep the price down, the lands would be parceled out to different syndicates and all elements of competition removed, and the prices offered would be so inadequate that the Secretary of the Interior would exercise the authority given him under the terms of the bill and refuse to accept the offers. As a result the question would again be referred to Congress for practical legislation. According to what I deem reliable information, there is approximately 2,000,000,000 feet of pine timber on the Leech Lake Reservation, 300,000,000 on the Red Lake Reservation, and 200,000,000 on the White Earth Reservation, which, at the minimum price named in the bill, should bring to the United States Treasury, for the use and benefit of the Chippewa Indians in Minnesota, from two to twelve and a half millions of dollars.

It seems to me that to put up for sale at public auction the amount of valuable property to be sold after the manner of disposing of a lot of second-hand furniture to the highest bidder is a preposterous proposition. The timber should be sold for what it is worth, and I believe that if the sale is properly handled under the provisions of this bill the Government can realize as much as individuals could with a like amount of property. These Indians are heirs of a vast estate, and the Government is in the position of administrator for them and should proceed on business lines to realize the most possible for them.

In order that the House may be informed as to the provisions of the law which the bill proposes to amend, it might be well to go over the proposed substitute in order to properly explain its provisions. The bill under consideration is reported by the committee as a substitute for Senate bill 4284, and in terms amends what is known as the Nelson Act, which was "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, under which the pine timber belonging to the Chippewas of Minnesota has been partly disposed of for their benefit since that act has been in force.

The Nelson Act has proved to the satisfaction of those who have had the enforcement of its provisions in charge to be entirely inadequate, and has shown conclusively that the interests of the Indians can not be cared for under it. To quote from the Indian agent at Leech Lake, as found in his report to the Commissioner of Indian Affairs, dated August 15, 1899, he said:

Soon after my arrival here Inspector Nesler and Special Agent Jenkins arrived at the agency for the purpose of making an investigation of the conditions existing here, and particularly with respect to the working of the timber operations for the past logging season, which included the logging of dead and down timber only.

A thorough investigation was made by them. As the details will appear

in their own reports, I do not consider it necessary to set forth the results here, further than to say that there were collected and turned over to me for deposit to the credit of the Chippewa Indians $55,713.47 as a result of timber unlawfully cut from the reservations. The collection of this money offers, to those who were not by experience already aware of the fact, evidence that the provisions of the law of January 14, 1889, are impracticable and unbusinesslike when put to the test of actual operation.

Section 1 of the Nelson Act provided for the appointment of three commissioners by the President to negotiate with the Chippewa Indians of Minnesota for the complete cession and relinquishment, in writing, of all their title and interest in and to all the reservations of said Chippewa Indians in Minnesota, except the White Earth and Red Lake reservations, and so much of these two reservations as, in the judgment of the Commission, was not required to make and fill allotments, as provided by this and other existing acts. It also provided for taking a census of each tribe or band of the Indians in order to ascertain whether the requisite two-thirds would yield and give their assent to the relinquishment, and for the purpose of making the allotments and payments which were provided for in the other sections of the act.

Section 2 provided for a bond and oath to be given by the commissioners before entering upon their duties, and also named the compensation which they were to receive.

Section 3 provided that as soon as the cession and relinquishment in accordance with the provisions of section 1 was obtained that all of the Chippewa Indians in the State of Minnesota, except those on the Red Lake Reservation, should be removed to the White Earth Reservation, and that allotments should be made to the Red Lake Indians on the Red Lake Reservation and to all other Indians on the White Earth Reservation. It was provided also that such allotments should be made in conformity with the act of February 8, 1887, entitled "An act for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes."

The bill under consideration does not change the provisions of the first three sections of the Nelson Act in any particular. The committee proposed rather to have the Interior Department pursue its present policy in regard to cession and relinquishment, as well as in making allotments, which we understand is proving satisfactory to the Indians and is regarded by the officials in charge as the best procedure.

The bill, therefore, which is before the House, as far as changes in existing laws are concerned, has to do principally with the disposal of the pine; hence the changes made apply chiefly to sections 4 and 5 of the Nelson Act.

Section 1 of the bill under consideration substitutes for section 4 of the Nelson Act a provision for a survey of the lands, which shall be filed in the General Land Office and approved by the Commissioner, after which the Secretary of the Interior shall appoint a sufficient number of competent and experienced timber examiners, who shall make a thorough examination of the lands by 40-acre tracts. These examiners are to keep accurate minutes of the lands on which pine is located, also of lands where there is no pine. These reports are to be filed with the Commissioner of the General Land Office as a part of the permanent records of his office.

Copies of these lists are to be transmitted to the Secretary of the Interior for his approval. These lists when approved are to be filed with the Commissioner of the General Land Office, and duplicate lists, with copies of the field notes, surveys, and minutes of examination, are to be filed with the register of the local land office of the district where the lands are located, and copies of the lists are to be furnished to any person applying either by the General or local land office.

This section is plain and specific, and if honest and competent examiners are secured should furnish records to the Department which will be extremely valuable in carrying out all of the provisions of the bill.

Section 2 of the pending bill amends section 5 of the Nelson Act in such a manner as to provide in detail for the advertising and sale of the pine timber, the restrictions under which it is to be cut and banked, the manner of scaling in the log, and provision is made for the payment of logs as banked. This section provides that the pine timber shall be advertised for sale in Government sections or parts of sections, and shall be sold under separate sealed bids for the pine timber on each section, and the Secretary of the Interior shall reserve the right to reject any or all of the bids; and it further provides that the Secretary of the Interior may also receive bids for groups not exceeding 10 sections in any one bid—that is, he may receive bids in both ways on the same lands—and he is then at liberty to accept whichever bid or bids are most advantageous or will bring the most money for such a tract of 10 sections. It is also provided that a payment of 20 per cent in cash or certified check as a guaranty of good faith shall accompany each bid or bids.

In estimating the value of the timber on any tract of land for sale the Secretary of the Interior can not figure the Norway pine timber at less than $4 per 1,000 feet and the white pine timber at not less than $5 per 1,000 feet. It is also provided that the Secretary of the Interior may permit sawmills to be erected on any tract for the manufacture of the timber on the reservations. This provision was inserted in order to give the Indians employment, if, in the judgment of the Secretary of the Interior, the interests of the Indians would be best subserved by so doing. This section also provides for a wide advertisement of sales in order to secure numerous bidders, and thereby secure competition which will insure the sale of the timber at the highest possible price.

The purchaser is authorized to cut and remove the timber under the direction of the Secretary of the Interior, and must remove as far as possible the liability of fire destroying the timber by burning or removing a sufficient amount of the tops and refuse, which, if left on the ground, would be a constant danger, as most of the fires which have heretofore destroyed standing timber have started and grown into destructive conflagrations by the burning of refuse which was left on the ground after the completion of logging operations.

It is further provided that all the merchantable pine timber, whether the same be green or dead, standing or fallen, shall be logged under rules and regulations to be laid down by the Secretary of the Interior, and that the logs shall be scaled by Scribner's rule for the merchantable lumber they will produce, this record to give the number, mark, and scale in feet of each log. The scale books are at all times to be open to the inspection of any authorized Government representative or to the check scaler to be appointed at the request of the chiefs of said bands or tribes of the Chippewa Indians of the State of Minnesota.

Provision is also made for the disposal of the lands from which the timber is cut and removed. They are to be treated as either forestry or agricultural lands, the forestry lands to be under the supervision of the Forester of the Department of Agriculture and the agricultural lands to be opened to homestead entry in the usual manner. This bill is presented for your consideration as the composite judgment of the Committee on Indian Affairs. There are a few provisions which some members would have preferred to have eliminated and some which others would like to have had incorporated in the bill. On the whole, it is the best we have to offer at this time. We have studied the question carefully and have endeavored to meet the necessities of the case.

In the judgment of the committee, if due diligence is exercised by the authorities in the employment of honest and competent scalers, and if their work is properly supervised under the safeguards provided in this measure, the probability of fraudulent and dishonest scales will be reduced to a minimum, and if frauds are attempted they can and will be speedily detected.

I sincerely trust, Mr. Speaker, that the substitute bill will pass as reported by the committee.

Mr. SHERMAN. I yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, it seems to me that the question involved in the amendment proposed by my colleague [Mr. EDDY] is a very simple one, and one that every member of the House can very readily understand. There is to be sold for the benefit of the Indians certain property held in trust for them. The question is whether or not it would be more to the advantage of the Indians to have that property sold secretly, by private bids, or sold openly and at public auction.

You will notice on page 15, section 5, or section 2 of the bill—

That whenever, and as often as the survey, examination, and lists of 100,000 acres of said pine lands or of a less quantity, in the discretion of the Secretary of the Interior, have been made and approved, the Secretary of the Interior shall be, and he hereby is, authorized and directed to sell, under such rules and regulations as he may prescribe, and at such times and places as he may designate, to be sealed under Scribner's rules in the log after being cut.

These bids must be made, these offers to purchase must be made, for the number of feet in the log—the actual number of feet according to Scribner's scale which the log contains—and then the purchaser obtains his property. Under the present law after the estimates were made there was a public sale, at public auction, of 40-acre tracts of timber at so much per thousand feet for the standing timber thereon.

Under that practice there was no doubt a great deal of the timber that was sold for less than it was worth; but it was the fault of the estimators, and was not due to the fact that it was a public sale. Under this bill the proposition is to sell the number of feet in the log after it is cut. Under this provision or amendment they must necessarily pay for every foot of timber in every log that is purchased.

Mr. MONDELL. Under the present law how is the number of feet on the acre determined?

Mr. TAWNEY. Under the present law the number of feet

standing is ascertained by cruisers, as they were called, estimators, who estimate the timber on the ground, and it was upon that estimate the timber has heretofore been sold.

Mr. MONDELL. In 40-acre tracts?

Mr. TAWNEY. In 40-acre tracts.

Mr. MONDELL. So that the highest bidder got the timber, then?

Mr. TAWNEY. The highest bidder got the timber.

Mr. MONDELL. The man who bid the largest lump sum got the tract?

Mr. TAWNEY. Yes. The only question, Mr. Speaker, is whether or not it would be, as I said at the beginning, more to the advantage of the Indian and for the interest of all concerned to sell this property at public sale than at private sale under sealed bids.

In the judgment of the majority of the members of our delegation it will, for then every person has an opportunity to bid and there is open competition in the sale of the property, which, I believe, will result in securing for the Indians much more for their property than can be obtained under sealed bids. For that reason I favor the amendment of my colleague.

Mr. SHERMAN. I yield three minutes to the gentleman from Minnesota.

Mr. FLETCHER. Mr. Speaker, when this bill was brought to the House the Minnesota delegation, every member of the delegation, favored the bill with the proposal for public sale. The bill was amended in the committee to sealed bids by some influences surrounding that committee and some members of the Minnesota delegation with which I am not familiar, not being a member of that committee. They have changed the proposal so as to sell this timber by sealed bids.

Now I recognize that here is ten or perhaps twelve or fifteen million dollars' worth of property to be sold, and, in my judgment, the only fair way to sell this property is to sell it at public auction to the highest bidder. They have provided in this bill that it shall not bring less than $4 a thousand feet for hard pine and $5 for white pine, and reserve the right to reject any and all bids.

I can hardly conceive why any committee, or even the Secretary of the Interior, would want to make a private sale and private sealed bids of property of this kind. In my judgment and understanding, it would be much better for and more to the interest of the people connected with the lumber business, and more satisfactory to me and, I believe, to every member of the delegation in both branches of Congress; and if they were left alone to their own judgment, as they were in the commencement of this bill, they would favor the public sale.

I hope the amendment offered by my colleague will be adopted. I see the chairman of the committee is in a good deal of a hurry, and I will not take up further time. I hope the amendment will be adopted.

Mr. SHERMAN. Mr. Speaker, I now yield two minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I hope the amendment offered by the gentleman from Minnesota [Mr. EDDY] will fail, for it will take all the merit, in my judgment, out of this bill. The great scandal that arose from the selling of the Minnesota Indians' timber came from selling it at public auction.

I have the conference that took place between the Secretary of the Interior and the members of the Minnesota delegation, and the gentleman from Minnesota stated that the chief objection in selling the timber is in selling the timber at public auction. He further stated "I would have him confer these contracts on the highest bidders on sealed bids, reserving the right to reject any and all bids." He said there were four things that ought to go into the bill. One was that timber should be sold on sealed bids.

Now, if the timber of the Chippewas is to be sold for the sole benefit of the lumbermen of Minnesota, then the amendment should prevail. If it is to be sold for the best interests of the people of the entire United States and for the Indians, the provision of the committee should be kept there, and this amendment should be voted down. I hope the House will stand by the committee.

Now, Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the amendment to the committee amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. FLETCHER) there were 22 ayes and 47 noes.

Mr. FLETCHER. I make the point of no quorum, Mr. Speaker.

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 36 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Smithsonian Institution submitting an estimate of appropriation for purchase of the butterflies and moths of the late Herman Strecker—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for court-house and jail at Juneau, Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Treasury submitting an estimate of appropriation for vaults in public buildings at St. Paul, Minn.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for contingent expenses, Department of Justice—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11807) to open for settlement 25,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory, reported the same with amendment, accompanied by a report (No. 2569), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3651) appropriating the sum of $3,000 a year for the support and maintenance of the permanent international commission of the congresses of navigation, and for other purposes, reported the same without amendment, accompanied by a report (No. 2581); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5212) granting to the State of California 640 acres of land in lieu of section 16, township 7, range 8 east, San Bernardino meridian, State of California, now occupied by the Torros band or village of Mission Indians, reported the same without amendment, accompanied by a report (No. 2586); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 4139) to diminish the number of appraisers at the ports of Philadelphia and Boston, reported the same with amendments, accompanied by a report (No. 2587); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 4346) to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs, reported the same with amendment, accompanied by a report (No. 2588); which said bill and report were referred to the House Calendar.

Mr. SWANSON, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 14801) to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement, reported the same without amendment, accompanied by a report (No. 2590); which said bill and report were referred to the House Calendar.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 12270) to provide for the allotment of lands in severalty to the Indians in the State of New York, and extend the protection of the laws of the United States and of the State of New York over such Indians, and for other purposes, reported the same with amendments, accompanied by a report (No. 2591); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6110) granting an increase of pension to Charles A. Cooke, reported the same without amendment, accompanied by a report (No. 2570); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5045) granting an increase of pension to Mary A. Moore, reported the same without amendment, accompanied by a report (No. 2571); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1944) granting an increase of pension to Ann E. Tillson, reported the same without amendment, accompanied by a report (No. 2572); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5133) granting an increase of pension to Augusta Neville Leary, reported the same without amendment, accompanied by a report (No. 2573); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1929) granting an increase of pension to Peter Tuper, reported the same with amendments, accompanied by a report (No. 2574); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12701) granting a pension to Milton Noakes, reported the same with amendments, accompanied by a report (No. 2575); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13000) granting an increase of pension to M. J. Cohn, reported the same with amendments, accompanied by a report (No. 2576); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12709) granting a pension to Thomas Alton, reported the same with amendment, accompanied by a report (No. 2577); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9977) granting a pension to Minerva Robinson, reported the same with amendments, accompanied by a report (No. 2578); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5918) granting a pension to Margaret Fox, reported the same without amendment, accompanied by a report (No. 2579); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10663) granting an increase of pension to Benjamin H. Downing, reported the same with amendments, accompanied by a report (No. 2580); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the resolution of the House (H. Res. 294) referring certain bills of the House to the Court of Claims, reported the same with amendments, accompanied by a report (No. 2582); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 623) granting a pension to Susan Kennedy, reported the same with amendment, accompanied by a report (No. 2583); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13955) granting an increase of pension to Jesse A. McIntosh, reported the same with amendments, accompanied by a report (No. 2584); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 5214) for the relief of the Columbia Brewing Company, of Shenandoah, Pa., reported the same with amendment, accompanied by a report (No. 2585); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13945) granting an increase of pension to Edward T. Durant, reported the same with amendments, accompanied by a report (No. 2589); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8280) granting a pension to James W. Perkins, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. CUSHMAN: A bill (H. R. 15154) authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith—to the Committee on Ways and Means.

By Mr. PAYNE: A bill (H. R. 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes—to the Committee on Ways and Means.

By Mr. CONNER: A bill (H. R. 15156) to complete the investigation of the claims of the Des Moines River land settlers in the State of Iowa—to the Committee on Claims.

By Mr. McDERMOTT: A bill (H. R. 15157) to authorize the appointment of boards of investigation and arbitration, and to define their powers and duties—to the Committee on Labor.

By Mr. JONES of Virginia: A bill (H. R. 15158) to provide for the temporary government and the permanent independence of the Philippine Archipelago—to the Committee on Insular Affairs.

By Mr. SHATTUC: A bill (H. R. 15159) to regulate the immigration of aliens into the United States—to the Committee on Immigration and Naturalization.

By Mr. CURTIS: A bill (H. R. 15160) to put in force in the Indian Territory certain provisions of the laws of Arkansas relating to conveyances of real estate, and to make said provisions applicable to said Territory—to the Committee on Indian Affairs.

By Mr. STEELE: A resolution (H. Res. 310) providing for employment of a stenographer in office of Journal clerk during remainder of the first session of the Fifty-seventh Congress—to the Committee on Accounts.

By Mr. GIBSON: A resolution (H. Res. 311) for the consideration of Senate joint resolution (S. R. 8) construing the act of June 27, 1890, and for other purposes—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 15161) for the relief of the legal representatives of T. L. Walker, deceased—to the Committee on War Claims.

By Mr. BLACKBURN: A bill (H. R. 15162) to correct the military record of Shadrack F. Brown—to the Committee on Military Affairs.

By Mr. CANDLER: A bill (H. R. 15163) granting a pension to James P. Roberts—to the Committee on Pensions.

By Mr. CORLISS: A bill (H. R. 15164) granting a pension to Electa L. Willard—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 15165) to remove the charge of desertion from the military record of John H. McIntyre—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 15166) granting a pension to Enoch J. Evans—to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 15167) granting a pension to Patrick Grogan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15168) granting a pension to William M. Heaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15169) granting a pension to John Gorden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15170) granting an increase of pension to Timothy Owsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15171) granting an increase of pension to Joseph B. Slaughter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15172) for the relief of William Noble McClelland—to the Committee on Military Affairs.

By Mr. KNAPP: A bill (H. R. 15173) granting an increase of pension to Ellen E. Lee—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 15174) to confirm the title to lots 3, 4, and 5, in square 979, in the city of Washington, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Kentucky: A bill (H. R. 15175) granting an

increase of pension to William H. Bland—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 15176) granting an increase of pension to John Gibson—to the Committee on Invalid Pensions.

By Mr. MCLACHLAN: A bill (H. R. 15177) granting an increase of pension to S. A. Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15178) granting an increase of pension to James R. Scarfe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15179) granting an increase of pension to Lieut. Horace A. Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15180) granting an increase of pension to Eleanore C. Ransom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15181) granting an increase of pension to Ashley A. Youmans—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 15182) granting an increase of pension to Francis W. Seeley—to the Committee on Pensions.

By Mr. APLIN: A bill (H. R. 15183) granting a pension to William Gregory—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 15184) granting an increase of pension to Joseph V. Howell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15185) granting an increase of pension to James Barr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15186) granting an increase of pension to Isaac J. Nichols—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDERHEAD: Resolutions of joint convention of bankers' associations of Kansas, Missouri, Indian Territory, and Oklahoma, opposing the branch banking bill—to the Committee on Banking and Currency.

Also, protest of the Pure Oil Company, of Pittsburg, Pa., against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the H. D. Lee Mercantile Company, Salina, Kans., favoring the Hepburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Kansas State Temperance Union, Topeka, Kans., in relation to a revenue tax from liquor sellers—to the Committee on Ways and Means.

By Mr. CANDLER: Papers to accompany House bill granting a pension to James P. Roberts—to the Committee on Pensions.

By Mr. CORLISS: Petition of citizens of Detroit, Mich., for the relief of Mrs. Electa L. Willard—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: Petition of Post No. 250, of Roselawn, Grand Army of the Republic, Department of Indiana, favoring a bill to modify the pension laws—to the Committee on Invalid Pensions.

By Mr. FOSS: Petition of 200 citizens of Chicago, Ill., favoring House bill 7486, for the promotion of the efficiency of the clerical service of the Navy, etc.—to the Committee on Naval Affairs.

By Mr. HAUGEN: Resolution of Dodge Post, No. 132, Grand Army of the Republic, Nashua, Iowa, approving the conduct of the United States in the war with Spain, the insurrection in the Philippines, and in China—to the Committee on Military Affairs.

By Mr. HOWELL: Petitions of Brewery Workers of Trenton; Martin Cooke Association, of Hoboken, and Mineral Mine Workers' Union of Port Oram, N. J., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Resolutions of Iowa State Federation of Labor, protesting against the treatment of mechanics and laborers in the arsenal at Rock Island, Ill.—to the Committee on Military Affairs.

By Mr. KERN: Petition of New Athens Milling Company, of New Athens, Ill., urging Congress to establish reciprocal relations with Germany on finished products—to the Committee on Ways and Means.

By Mr. PALMER: Petition of M. S. Palmer, I. E. Finch, and other citizens of Luzerne County, Pa., urging the passage of Senate bill 1890, the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Affidavits to accompany House bill 8566, for the relief of Decatur Lodge, No. 52, Independent Order of Odd Fellows—to the Committee on War Claims.

Also, affidavits to accompany House bill 6971, for the relief of Bolivar Lodge, No. 127, of Stevenson, Ala.—to the Committee on War Claims.

By Mr. RUMPLE: Resolution of Iowa State Federation of Labor, relative to labor conditions at Rock Island Arsenal—to the Committee on Labor.

SENATE.

THURSDAY, *June 19, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills and joint resolution:

A bill (S. 282) providing for the appointment of James W. Long, late a captain, United States Army, a captain of infantry, and for placing him on the retired list;

A bill (S. 5906) declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river; and

A joint resolution (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3442) to correct the military record of John O'Brien;

A bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War, in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.;

A bill (H. R. 9723) granting an honorable discharge to Levi Wells;

A bill (H. R. 9870) to correct the military record of Reinhard Schneider;

A bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes; and

A bill (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for uses of religious, charitable, or educational character, for the environment of art, etc., under the act of June 13, 1898.

The message further announced that the House insists upon its amendments to the bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCLEARY, Mr. MCCALL, and Mr. WOOTEN managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the following bills, disagreed to by the Senate, agrees to the conferences asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama managers at the respective conferences on the part of the House:

A bill (S. 1225) granting an increase of pension to Clara W. McNair;

A bill (S. 3320) granting an increase of pension to Adelaide G. Hatch;

A bill (S. 5506) granting an increase of pension to Clayton P. Van Houten; and

A bill (S. 5856) granting an increase of pension to Elizabeth A. Turner.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. 9501) to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

A bill (H. R. 10698) providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations, in the State of Wisconsin;

A bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes;

A bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

A bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes; and

A joint resolution (H. J. Res. 200) amending "An act to increase the limit of cost of certain public buildings, to authorize